PATTERNS OF POWER · HENRY VIII AND THE CHURCH LANDS

# Henry VIII and the Church Lands

*The Complete Study · 1529 — 1536 — 1571*

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with Claude (Anthropic) · 2026

*held as tested, not revealed*

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A case study in the Patterns of Power series.
Primary sources quoted exactly; modern scholarship paraphrased and credited.
Contested figures given as ranges. Nothing reconstructed from memory.

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# Preface and Outline

*What the study found, how it was built, where it broke its own predictions, and a map of its thirteen parts*

## The spine

Every other case in this collection watches an armed outsider take a country. This one watches the man already at the top of a country run the same operation against a rival power-holder inside it, and everything distinctive about the case follows from that single difference of position.

Henry VIII was not a conqueror and could not become one. His entire standing consisted of being the lawful king of England, in a realm where every landholding descended from the crown and where two generations earlier a disputed title had put armed men in other people's fields for thirty years. The moment he acted outside the law, every deed in the country reopened, including the ones his father had spent a reign stabilising. So he could not seize and then explain. He had to make the taking lawful before he took, and apply force only to those who refused the law once it existed.

**Three things follow, and they are the study's spine.**

**The first is that the sequence inverts.** A conqueror lays the floor and fits the legitimating story afterwards, at the point where spoil must become inheritance — Hastings in October, a Norman claim not entering the record until the 1070s. Henry ran it the other way. Praemunire against Wolsey in 1529; the whole clergy indicted in 1531; the Submission in 1532; the Act in Restraint of Appeals in 1533; the Supremacy and the Treasons Act in 1534. The first execution under any of it came in May 1535, and the first abbey act in 1536. Six years of statute before a single death, and every capital penalty postdating the law that created it. Floor-then-robe is the outsider's sequence; robe-then-floor is the insider's, and which one you observe tells you where the man was standing when he began.

**The second is that a lawful sovereign taking from living lawful owners needs a settlement fiction none of the conquerors had.** The four this collection had catalogued — declaring land vacant, confirming an elite in what you are in fact granting it, partitioning a collective holding into shares, seating a follower in a named dead man's position — every one requires an empty country, a foreign elite, an unowned tenure, or a corpse. Henry's targets were alive, English, lawfully seised, locally

popular, and sitting in his own House of Lords. What he used instead is a fifth family: **surrender.** Manufacture the grounds, then have the holder convey. It required a national survey to make a threshold draftable, a national visitation to make the grounds pleadable, two Acts of Parliament, a new court of record, some two hundred signed and sealed deeds, a pension roll, and — for the three abbots who would not sign — the gallows. The statute confirming the surrenders declares on its own face that they were made *of their own free and voluntary minds, good wills and assents, without constraint, coaction, or compulsion of any manner of person or persons*, and names in a parenthesis the alternative route used against those who refused. Nobody legislates the voluntariness of a genuine gift.

**The third is that every durable thing the operation produced was something he handed out for an instrumental reason and could not take back.** He handed parliament unlimited competence, because his own acts had to be unchallengeable; the doctrine that made the modern constitutional world was manufactured to make one man's property transfers irreversible. He handed the political nation a vernacular Bible chained in every parish, because a claim that the papal authority was a usurpation has to be provable from a text and a text used as proof has to be published; five years later he legislated to withdraw it from most of the population and could not. He handed several thousand families deeds at twenty years' purchase, because he needed the money for Boulogne; and the purchase, not the grant, is what made the settlement irreversible, because a man who has paid owes the statute book rather than the king. And he handed his successors a supremacy annexed to the crown as heritable property, because it had to descend.

The land was never restored — not by a Catholic queen with a papal legate at her elbow, not in 1569, not by the Long Parliament, not at the Restoration. The doctrine was reversed twice in eleven years. Belief turned out to be negotiable and title did not.

## How it was built

One module at a time, verification before writing, over the arc the Field Manual sets: a landscape and twelve modules, each with a framework function, each returning a refinement to the framework rather than merely applying it.

Public-domain primary sources are quoted exactly and at the length the argument needs. The statute preambles are the richest seam in this case and are quoted heavily, because they are the robe in its own drafting: the Act in Restraint of Appeals on this realm of England being an empire, and so having been accepted in the world, by divers sundry old authentic histories and chronicles; the Act of Supremacy's *albeit the king's majesty justly and rightfully is and ought to be*; the Act for the Dissolution of the Lesser

Monasteries condemning manifest sin, vicious, carnal and abominable living in the small houses and in the same breath praising the great and solemn monasteries wherein, thanks be to God, religion is right well kept and observed; the Act of Proclamations and the long proviso listing what a proclamation may not touch; the vagrancy statute on the upper part of the gristle of the right ear.

The other great resource is *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII*, and the study's central method — the statute preamble set beside the commissioner's letter — depends on it. From it come the king's instruction to Norfolk of 22 February 1537 that the course of our laws must give place to martial law and that he must cause dreadful execution upon a good number of the inhabitants, hanging them on trees and setting their heads and quarters in every town; Norfolk's reply two days later reporting six thousand submissions, seventy-four men chosen, and that iron is marvellous scarce; his private admission that had he proceeded by jury not the fifth man of them would have suffered, where much affection and pity of neighbours doth reign; his judgement to Cromwell that rack-renting and enclosure were the only cause of the rebellion; and the deposition tracing a rumour from Louth back through an alehouse in Grimsby. **A standing caution attaches to all of it: *Letters and Papers* is Gairdner's calendar, not a transcript. He abstracts, and sets directly quoted material in inverted commas within his own summary. That is stated wherever the text is used and should not be forgotten.**

Beside those: Simon Fish's *Supplicacyon for the Beggers* of 1529, which supplies the landscape's title and its structure; the Statute of Praemunire of 1393, which turns out to contain the entire imperial claim a hundred and forty years early; Roper's *Life of More*; the proclamation unsainting Becket; the Greyfriars' surrender in the original spelling; Henry's last speech to parliament; and Spenser on Munster.

Modern copyrighted scholarship is paraphrased and credited. **This literature is unusually contested and the study names the disagreements rather than picking sides.** Dickens against Duffy, Haigh and Scarisbrick on the condition of the pre-Reformation church. Gasquet against the modern readings on the visitation returns. Elton against Bush, Hoyle, James and Davies on whether the Pilgrimage of Grace was a court conspiracy or a rising of the commons. Elton against Bush again on whether the Act of Proclamations was an attempt at rule by decree. Elton, Scarisbrick, Bernard and Guy on whose revolution it was. Where the study needed a proposition it took only the one on which the disputing parties converge, and said so.

Where the study is thin, it says so. It was built from web-accessible sources and public-domain texts, and several works on which it leans were used at second hand rather than read: Elton's *Policy and Police* for the enforcement machinery; Youings and

Habakkuk on the land market and the deeds of surrender; Duffy for the parish; Hoyle for the Pilgrimage; the county studies of purchasers; the quantitative work on the dissolution's economic consequences; and, for the Meiji comparison in the final module, the Bank of Japan study on which the companion case rests. Contested figures are given as ranges throughout, and in this subject nearly every figure is contested: the church's share of English land, the *Valor* totals, the number of religious, the executions, the burnings, the civil-war casualties, the Irish losses.

Two things are flagged as reported rather than recorded, and both are load-bearing enough to matter. Henry's words at the Blackfriars conference of 1515 survive only through Burnet in the following century. His statement in the Ferrers case of 1542 — that we at no time stand so highly in our estate royal as in the time of Parliament — survives through Holinshed rather than as an official record.

## Where it broke its own predictions

**The seed and the brief both expected the church's wealth to sort into the framework's two categories, a thing or a relation between persons.** It is neither. Monastic land was a perpetual endowment charged with a service — held by a corporation that could not die, inalienable, and there because people had given it in exchange for prayers. That required naming a third form and a third conversion, a trust into an asset, and it produced the finding that makes this case culturally violent out of all proportion to its body count: **the doctrine was the title deed**, so the property could not be moved without destroying the belief that created it. Purgatory had to fall before the land could.

**The brief's colonial template, which predicts a seam split in two by distance, does not fit, and is said not to fit from the landscape onward.** There is no metropole and no colony. The abbey came down in the parish where the parishioners lived. The seam runs vertically through one society along the lines of literacy and office, and the suppressible object changes accordingly: an insider cannot suppress the event and does not try, so he suppresses the account, the record, and the past.

**And the study's own draft of the formation module was wrong and had to be rebuilt.** The first version treated formation as propaganda and the withholding of it as the colonial pattern. That is not what this case is. Henry did not withhold formation; he inherited the most complete formation apparatus in Europe intact and captured it working — and then broke it, by publishing the source. The corrected module is the study's sharpest practical finding and the final module rests on it.

## The discipline

Legibility is not pardon.

This subject has a confessional history and both partisan readings are still in circulation, so the discipline is held harder here than usual. The men and women who died on both sides were not fools. The Carthusians were the most disciplined religious in England, were given every opportunity to save themselves by saying eight words they did not believe, and declined; the king went in person to argue with one of them. Cranmer went to the fire having first recanted and then repudiated his recantations, and put the offending hand into the flames. Gardiner believed in transubstantiation and in the royal supremacy at the same time and there is no contradiction to explain. Robert Aske stopped an army he could have marched on London because he believed he was a subject seeking justice, was received at court and given a coat of crimson satin, and was hanged in chains from the castle at York six months later.

The order that was destroyed was itself a former conquest naturalised — Augustine's mission from Rome in 597 and the Norman capture of the entire English episcopate between 1070 and 1090 — and by 1529 nobody experienced any of it as a thing that had been put there. That does not make the old church fake or its defenders dupes; the opposite. And the rule runs forward with equal force: the English church of 1600 was as real to the people inside it as the Roman church of 1500 had been to their great-grandparents. Both were built. Both became true in the only sense that governs how people live.

The founding was, by a wide margin, the cheapest structural revolution in this collection: three to four hundred deaths in England for the largest transfer of property since 1066. That does not make it mild. It makes the machinery efficient, and efficiency in this domain is a technique rather than a virtue. The bill was paid in instalments for a hundred and twenty years — 1549, 1555, 1569, the recusants, the wars of the three kingdoms — and every instalment was charged at the time to its proximate cause. The metabolic note was never called in England, because a revolution that changes the owner without touching the plough does not call it; it was called in full in Munster, deliberately, by a method its architects defended in print.

Both columns stand. Neither cancels the other, because the people in the two columns were not the same people.

The arithmetic is laid out. The sum is left to the reader.

## The arc

**Landscape · Of One Kyngdome Made Tweyne.** The ground before the statutes — one realm with a second power inside it, reconstructed as a landholder, a parallel judicature, an international corporation with a foreign head, and the formation apparatus of every person in the country; and a crown that was lawful, broke, sonless, and holding a fourteenth-century statute declaring itself subject to God alone.

**1 · Iron Is Marvellous Scarce.** The floor of force. A revolution enacted by statute and enforced person by person, twenty-odd deaths staged for maximum visibility, and the one fortnight in which the retail method was abandoned and the king's own courts had to be suspended because they would not convict.

**2 · Of Their Own Free and Voluntary Minds.** The settlement. A fifth fiction available to no conqueror, the survey that made it draftable, the parenthesis naming what happened to those who would not sign, and a consideration that was neither service nor compliance but cash.

**3 · Divers Sundry Old Authentic Histories and Chronicles.** The robe. A theory researched six years before it was needed, published in statute preambles, written in the grammar of restoration so that a revolution would read as a repair, and cut for four audiences of which the English parish was not one.

**4 · Rimed, Sung and Jangled in Every Alehouse and Tavern.** Formation. The interpreter monopoly he inherited working, the four small changes he made to it because his field of the visible ended at Rome, and the king watching the consequence arrive and asking parliament to stop it.

**5 · The Upper Part of the Gristle of His Right Ear.** The cost column. What the ordinary Englishman got, what refusal cost him, why exit was closed by uniformity rather than by walls, and the discovery that a realm with no police prices defiance through the neighbours.

**6 · The Lead Off the Roofs.** Extraction. A permanent flow and a once-only stock taken from the same institution by the same office in the same decade, obeying different laws — and what happened to the largest windfall in English history.

**7 · The Minute of the Letter Sent to My Lord of Norfolk.** Information and suppression. A seam running vertically through one society, the four channels the crown took and the one it could never close, and why this archive survives when a colony's would have burned.

**8 · The Benches Where the Abbots Sat.** Elite coordination and the default. The hierarchy re-run after the settlement, why men trying to destroy each other never once disagreed about property, and a Catholic queen who reversed the doctrine completely and could not reverse the land.

**9 · The Meanest Members of the House.** Plurality or foreclosure. What was taken away, what was won, the factional bargains that left residue nobody intended, and why the losses proved temporary and the gains permanent.

**10 · They Halted at Doncaster.** Change and collapse. The largest rising in Tudor England tested against the framework's hardest claim, the risings that followed, and where in the hierarchy the fracture was actually going to come from.

**11 · They Looked Like Anatomies of Death.** The grim accounting. The sword count of the cheapest structural revolution in the collection, the instalments it paid for a hundred and twenty years, the metabolic note it never called at home and called in full elsewhere, and the forgetting that completed it.

**12 · The Things He Could Not Take Back.** Convergence and divergence. The case set beside the collection, the one order in it that ran the same operation and kept what this one lost, and the strongest counter-position in the series stated at full strength and answered.

LANDSCAPE

# Of One Kyngdome Made Tweyne

*The ground before the statutes — the English church reconstructed as a power-holder rather than a faith, the crown's position beside it, and why a case with only one society in it bends the framework from the first page*

## Why this landscape has only one society in it

Every other case in this collection opens by reconstructing two grounds. There is a country that was taken and a country that took it, and the doubling is not a courtesy to the conquered but a working necessity, because a conqueror who answers to a distant audience is running two operations at once — force in one place, a story about the force in another — and neither can be read without the other. The Norman study needed an English kingdom and a Norman duchy. The Algerian study needed a Turkish garrison-state and a tottering Bourbon monarchy. In both, the interesting distance was geographical: what was done on one shore, and what was said about it on the other.

That shape does not fit here, and saying so at the outset is the first finding rather than an apology for the case. In 1529 there was one realm, one people, one language of government, one law of the land, and one king who had been anointed in Westminster Abbey twenty years earlier and whose title nobody living seriously disputed. There was no metropole and no colony. There was no invading army and there would not be one. The men and women on both sides of what was coming were English, mostly knew each other, and in a great many cases had been to school together.

What there was instead was a seam running through the middle of a single society — a second power-holder, lodged inside the realm, older than the dynasty, richer than the crown, running its own courts under its own law with its own immunities, holding the instruction of every child in the country, and answering at the last to an authority abroad. The distance this study measures is therefore not the distance between two shores. It is the distance between two jurisdictions occupying the same ground, and between what an act of parliament says the realm has always been and what a visitor writes back from an abbey he is about to close.

A London lawyer named Simon Fish put the structure of it more exactly than any modern historian has managed, in a pamphlet smuggled into England in the spring of

1529 — the exact eve of this study — and the sentence is worth having in his own spelling, because it names the thing:

> *and of one kyngdome made tweyne: the spirituall kyngdome (as they call it) for they wyll be named first, And your temporall kingdome, And whiche of these, ij. kingdomes suppose ye is like to ouergrowe the other, ye[a] to put the other clere out of memory?*

Fish is a hostile witness and a wildly unreliable one, and this study will be careful with him throughout; but he was read, and one of his readers was the king. What he had seen was correct even where his arithmetic was not. There were two kingdoms in England. The question of what happens when the older and larger of them sets out to eat the newer had been open in Latin Christendom for four hundred years. What was about to happen in England was the other answer.

## What was already there had been put there twice

Before anything can be counted, one discipline has to be fixed, because it governs how every number in this landscape should be read.

A ruler never meets an aboriginal or timeless institution. He meets somebody else's build that has had time to stop looking like one — and the English church of 1529 was the residue of two earlier builds, each of which had fully taken.

The first was a mission. Augustine landed in Kent in 597, sent from Rome by Gregory the Great to a pagan kingdom; the Northumbrian church was brought to Roman practice at Whitby in 664; and over the nine centuries following, a Christianity organised on Roman lines — Roman calendar, Roman canon law, Roman metropolitan structure, appeals running to Rome — was driven so deep into the English that by the sixteenth century no one experienced any of it as an arrangement that had been made. It was the shape of the world. An English ploughman in 1529 did not hold Christianity as a proposition he might revise; he held it as the ground the propositions stood on.

The second was a conquest. Between about 1070 and 1090 the entire English episcopate was replaced by men appointed by a Norman king — Stigand deposed at Winchester in 1070, Lanfranc brought from Bec to Canterbury, English abbots removed as their houses fell vacant, until by the end of the reign one Englishman remained in an English see. The great churches were converted into baronies held of the crown by knight service. Every cathedral in the country was pulled down and rebuilt on a scale nothing in England had approached. The institution that formed

every person in the realm passed within twenty years into the hands of strangers, and nobody had to be persuaded of anything, because the institution was not the conquered elite's property — it belonged to a body the conquerors also belonged to.

Both of those were, in their day, impositions carried out by outsiders on a population that had not asked for them. By 1529 the residue was simply England. When the men of the north rose in 1536 they would rise to defend an order whose foundation had been laid by an Italian missionary and whose senior personnel had been installed at the point of a Norman sword, and they would rise for it as for their own — which it was.

Hold this without letting it slide, because the slide is the commonest failure of a study like this one. That an institution was built does not make it fake, and it does not make the people inside it dupes. The opposite: a built thing that became real is more durable and more genuinely held than any lie could be, because a lie has to be maintained and a naturalised order does not. The English church of 1529 was authentically the English people's world. Naming its constructed origin is not debunking it. And the same rule runs forward, and will have to be applied at the far end of this study with exactly equal force: the English church of 1600 was as real to the people inside it as the Roman church of 1500 had been to their grandparents.

## Landscape I · The church as a power-holder

*The land, and the trouble with the number*

Start with the wealth, because it is the leg of the arrangement that will actually be taken, and because the number everybody repeats is the number nobody can verify.

The English church held land — a very great deal of it, distributed across every county, in bishoprics, cathedral chapters, colleges, hospitals, chantries, and above all in the eight hundred-odd religious houses of the monastic and mendicant orders. How much is genuinely unsettled and should be stated as unsettled. When Alexander Savine made the first systematic study of the surviving valuation in 1909, he noted that estimates of the monastic share alone had run from a tenth of the kingdom to seven-tenths, dismissed the larger figure outright, thought the smaller too low, and settled on *at least one-sixth* — while warning that even this apparently precise figure was in fact very indefinite, because monastic "land" in the records included estates on which the house held nothing but the tithe, estates it co-owned, and revenues from mills, fisheries, salt-works and market tolls that cannot be turned into acres at all. Modern general accounts usually give the church as a whole a quarter to a third of English land. That range should be carried as a range, and the reader should know that it rests on a

document compiled six years after this landscape closes, by commissioners with an interest in a high number, from returns made by men with an interest in a low one.

The Valor Ecclesiasticus of 1535 remains the only national count. Its totals are reported differently depending on what is included and whether reprises are deducted: monastic income of roughly £136,000 gross and £91,000 net on one reckoning, other tabulations putting the monastic figure nearer £165,000, and the whole ecclesiastical revenue of England and Wales commonly given at something in the region of £320,000. Set any of those beside the crown's ordinary revenue — the king's own income from lands, customs and feudal dues, in the region of £100,000 to £110,000 a year — and the structural fact emerges regardless of which figure one prefers. The church's annual landed income was of the same order as the crown's and probably larger. It was the only body in England of which that was true.

Two features of that wealth matter more than its size.

It was inalienable. Land given to God did not come back. The statutes of mortmain, running from the thirteenth century, existed precisely to slow the one-way flow, and Fish's complaint about them is the flow described from below: *"that that is ones gyuen theim comith neuer from theim agein. Suche lawes haue they that none of theim may nether gyue nor sell nothing."* A lay estate could be forfeited by attainder, dissipated by a spendthrift heir, or divided among daughters. An abbey's estate did none of these things. Across four centuries this produced a landholder that only ever grew.

And it was held by a corporation that did not die. Every other great holding in England passed through a mortal hand and paid the crown for the passage — the relief on inheritance, the profits of wardship when the heir was a minor, the escheat when a line failed. A monastery had no minority and no failure of issue. The largest landowner after the king was also, structurally, the one landowner from whom the king's ordinary feudal revenue could never be drawn.

### *The flow: tithe, mortuary, probate, and the fee at the grave*

Beside the land ran a set of levies that reached every household in the country, and it is here rather than in the abbey rent-rolls that most English people actually met the church as an extractor.

The tithe was the tenth. Fish itemises it with a pamphleteer's relish and, on the mechanism if not the arithmetic, accurately: the tenth part of corn, meadow, pasture, grass, wool, colts, calves, lambs, pigs, geese and chickens; the tenth of a servant's wages; the tenth of wool, milk, honey, wax, cheese and butter — and then the detail that gives the whole passage its edge, that they looked so narrowly on their profits *"that the poore wyues must be countable to theym of euery tenth eg or elles she gettith not her ryghtes at*

*ester."* Whether any parish actually counted eggs is beside the point. What Fish is describing is a levy assessed on production rather than on surplus, collected annually, and enforceable in a court the payer could not appeal from to any lay judge.

Then the fees at the edges of a life. The mortuary — the customary claim on the second-best beast, or a garment, at a death. The probate fee, taken by the church court that alone could prove a will. Offerings at the four offering days; payments for masses and *diriges* for the dead; the quarterage the five orders of friars collected from every household. Fish adds them up and arrives at £43,333 6s 8d a year for the friars' quarterage alone, and here his arithmetic collapses in a way worth recording precisely, because it tells you what kind of document was circulating. He begins from the statement that there are *"withyn youre realme of Englond. lij. thousand parisshe churches"* — fifty-two thousand. The real figure was something under ten thousand. The most widely read attack on the English church published in the year the Reformation Parliament met was wrong about the size of the English church by a factor of five or six, and nobody noticed, because nobody had the number.

*A second law, with its own courts, its own immunities, and its own appeal*

The church was not merely rich. It judged.

Beneath two provinces and some twenty-one dioceses ran a complete parallel judicature — archdeacons' courts, consistory courts, the provincial courts of Canterbury and York — administering not the law of England but the canon law of the western church. Its reach into ordinary life was wider than a modern reader expects. It proved wills and granted administrations, which meant that no estate in England passed without an ecclesiastical judge. It decided the validity of marriages and of marriage contracts, which meant that the legitimacy of children and therefore the descent of property ran through the same court. It heard suits for tithe. It heard defamation. And through what was called the office jurisdiction it disciplined the laity for adultery, fornication, working on holy days, absence from church, usury and perjury — summoning, correcting, and where necessary excommunicating.

That last power is the one to hold, because it was not a spiritual penalty only. Fish's description of its civil consequence is precise and is confirmed by the practice: *"So captyue are your lawes vnto theym that no man that they lyst to excommunicat may be admitted to sue any accion in any of your courtes."* An excommunicate could not bring an action. A jurisdiction that can strip a man of standing in the king's own courts is not a department of religion. It is a rival state.

Two immunities completed the structure. Benefit of clergy removed a clerk in orders from the reach of the secular criminal law and delivered him to his ordinary, and the

definition of "clerk" had crept far down the hierarchy, so that a great many men who had never served an altar could escape a hanging by reading a verse. Sanctuary gave a felon who reached a church a protection the sheriff could not break, and an abjuration of the realm in place of a trial.

And above all of it stood the appeal. An English suitor dissatisfied with an English ecclesiastical judgment could carry his cause out of England altogether, to the Roman curia, and there was no English court that could stop him.

*An international corporation with a foreign head*

Which brings the landscape to the feature that made the English church a foreign relation as well as a domestic one.

Money left the country. Peter's Pence, an ancient render, ran at about £200 a year — trivial, and symbolically enormous, since it was tribute in the strict sense. Annates, or first fruits, were the more serious flow: a newly provided bishop paid a large share of his first year's revenues to Rome before his bulls were expedited. What that amounted to across a reign is contested and the only figure available is a hostile one. When parliament came to abolish the payment in 1532 it asserted that since the second year of Henry VII — 1486 — there had passed out of the realm to the court of Rome, under the name of annates, *"the sum of eight hundred thousand Ducats."* The same preamble supplies the argument as well as the number, and does so in the register the whole break would be conducted in: annates, it says, *"were first suffered to be taken within the same Realm, for the only defence of Christian People against the Infidels, and now they be claimed and demanded as mere duty, only for lucre, against all right and conscience."* The claim is not that a new power is being asserted. It is that an old abuse is being corrected. Hold that grammar; it will govern everything.

Personnel left the country too, or rather never arrived in it. The pope provided to English benefices, and by the 1520s two English dioceses were held by Italian cardinals resident in Rome. Worcester had passed through a succession of Italian absentees — Giovanni de' Gigli, who died in Rome without ever seeing his see; his kinsman Silvestro, who administered it by proxy; then Giulio de' Medici, who became Pope Clement VII; and from 1522 Girolamo Ghinucci of Siena, who is recorded in Worcester once, in 1523. Salisbury was held from 1524 by Lorenzo Campeggio of Bologna.

That last name is the sharpest fact in this landscape and it should be allowed to sit unadorned. The papal legate who came to England in 1528, opened a court at Blackfriars on 31 May 1529 to try whether the King of England was lawfully married, stalled it through the summer, and adjourned it on 23 July without giving judgment —

was the Bishop of Salisbury. He drew the revenues of an English diocese he had scarcely visited, while declining to decide an English king's cause in an English court, on instructions from a pope who was at that moment in the power of the queen's nephew. No pamphlet could have made the argument better than the arrangement made it by simply existing.

And in the other direction, the traffic had produced something without precedent. Thomas Wolsey, butcher's son of Ipswich, was Archbishop of York from 1514, cardinal from 1515, Lord Chancellor of England from December 1515, and from 1518 papal *legate a latere* — the pope's personal representative, outranking the Archbishop of Canterbury in his own province — an appointment renewed and extended until in 1524 it was conferred, uniquely, for life. He held in one person the king's great seal and the pope's authority. He used the second to intervene at will in dioceses not his own and in the internal affairs of religious houses. For eleven years the two kingdoms of England had a single occupant at the top of both, and the question of what happened when they pulled in opposite directions did not have to be asked.

*The formation apparatus of every person in the country*

Now the leg that mattered most, and that the wealth was in a precise sense made of.

Nobody in England was unformed. Every child was baptised in infancy, before he could consent; catechised by a parish priest in the tongue he spoke; taught the Pater Noster and the Creed; confessed and communicated; married at the church door; and buried in the churchyard among his people. The year was scored by the liturgy and the liturgy was welded to the agricultural cycle so completely that the two could not be pulled apart — Christmas at the dead of the year, Candlemas, the Lenten fast running through the hungry gap, Easter, Rogationtide when the parish walked its bounds and blessed the growing corn, Whitsun, Lammas at the first harvest, Michaelmas when rents fell due, All Saints and All Souls as the year closed. Nobody attended this apparatus. They lived inside it.

And here is the structural fact that distinguishes this case from every conquest in the collection, and that will drive most of what follows: **the doctrine was the title deed.**

The greater part of the church's landed wealth was there because people had given it in exchange for prayers. A man endowed a chantry so that a priest would sing mass for his soul; a family granted a manor to an abbey so that the house would keep an obit for its dead; guilds maintained lights and altars for their departed brethren; and the whole enormous transfer rested on a single doctrine — that the soul after death passes through a purgation which the prayers, masses and alms of the living can shorten. Fish saw this with complete clarity and stated it twice, once as accusation and once as

diagnosis. The clergy, he wrote, have no other colour to gather these yearly exactions *"but that they sey they pray for vs to God to delyuer our soules out of the paynes of purgatori"* — and, more sweepingly, *"this purgatory and the Popes pardons is all the cause of translacion of your kingdome so fast into their hondes."*

Read that as a property lawyer rather than as a controversialist and the consequence is severe. The land is held on a consideration. The consideration is a service performed for the dead. If the service is worthless, the consideration fails. Anyone who wants the land and cannot take it by conquest — because he is the lawful sovereign of the people who hold it — has a route open to him that no conqueror needs: attack the doctrine, and the title dissolves without anyone having to seize anything. And the reverse holds with equal force. Anyone who attacks the doctrine will find, whether he intended it or not, that he has attacked the title; and anyone who takes the land will find that he cannot leave the doctrine standing, because a standing doctrine makes the taking visibly a theft.

This is the hinge on which this case turns, and it explains in advance a shape that otherwise looks like fanaticism: why a revolution that killed a very small number of people would nonetheless dismantle, inside a single generation, the entire visual and ritual world of the English parish.

### *And it was loved*

One more thing has to be established, and it is the thing this subject is most often got wrong about, in both directions.

For a long time the standard account — its classic statement is A. G. Dickens's *The English Reformation* of 1964 — held that the late medieval English church was in decay: formalist, exploitative, resented, its abuses generating a broad popular anticlericalism into which reform flowed as into a waiting channel. That account has been very substantially dismantled. Christopher Haigh's revisionist essays from the 1970s, J. J. Scarisbrick's argument that on the whole English men and women did not want the Reformation and were slow to accept it when it came, and above all Eamon Duffy's *The Stripping of the Altars* in 1992, reconstructed from churchwardens' accounts, wills, guild records and primers a parish religion that was vigorous, expensive, participatory and deeply held. The evidence Duffy leans on hardest is the evidence of money: where people put their money is where their hearts are, and in the two generations before 1529 English people were pouring money into their parish churches — rebuilding naves, raising towers, glazing windows, endowing lights and guilds and chantries — at a rate that is very hard to reconcile with a population sick of the whole business.

The debate has not ended and should not be flattened. Post-revisionist work has pressed back, noting that Duffy's picture of unbroken vitality underrates the evidence of anticlerical feeling and of heresy prosecutions, and that a church can be popular in the parish and detested in the consistory court at the same time. That, in fact, is very close to the honest position, and this study will hold it: hostility to the courts, the fees, the pluralist, the absentee and the cardinal was real and is documented; hostility to the mass, the saints, the parish and the dead was not, and the two must not be run together.

So the landscape closes its first half with a finding the rest of the study will keep having to accommodate. The institution about to be dismantled was not decadent, was not universally resented, and was not held up by force. It was at the cheap pole: an order that ran on the governed's own conviction, needing no garrison, because the people inside it enforced it on themselves for nothing. That is precisely what will make what follows expensive.

## Landscape II · The crown beside it

*A title four decades old, and a dynasty of one life*

Now the other party, and the thing to establish first is that his position was far less secure than the noise of his court suggested.

The Tudor claim to the throne of England was forty-four years old in 1529 and had been made good by a battle. Henry VII had won it at Bosworth on 22 August 1485 and spent a reign making it stick — attainders, bonds and recognisances, the systematic financial disciplining of a nobility that had spent thirty years choosing sides. Pretenders had come and been destroyed: Lambert Simnel, Perkin Warbeck, the de la Pole claim. The killing of surviving Yorkist blood did not stop with the first Tudor and would not stop for another generation; the Duke of Buckingham went to the block in 1521, and members of the Pole family would follow into the 1530s and 1540s.

Behind that lay the structural fact this study inherits from the Norman settlement and does not need to re-derive: in England, every title runs from the crown. That was the whole point of the arrangement made after 1066, and four and a half centuries later it was still operating. Which means a disputed succession in England is not a dynastic inconvenience. It is a simultaneous challenge to every landholding in the country, because two claimants mean two sources of title, and every man holding an estate must guess which claimant's chancery his deeds will one day be read against. England had run that experiment twice within institutional memory, and both runs were catastrophes remembered in every gentry household.

And Henry had no son. Mary had been born in 1516; Catherine of Aragon was past childbearing by the mid-1520s. The only English precedent for a female succession was Matilda, and what that had cost was not an obscure piece of antiquarianism — it was nineteen winters of castles built without licence, sheriffdoms sliding into private hands, and a countryside worked over by armed men whose employers were bidding against each other. A king in that position who wants a legitimate son is not indulging an appetite. He is solving the central structural problem of the entire landed order, and he can believe both things about himself at once without any insincerity whatever.

*The money*

The second pressure was fiscal, and it had already produced a public defeat.

Henry VIII inherited from his father a treasury reserve whose size is disputed — recent work would put it above a million pounds, older estimates lower — and an ordinary annual revenue of roughly £100,000 to £110,000. He spent the reserve. The campaigns in France of 1512–14 and the wars of the early 1520s consumed, on one standard reckoning, something like £960,000 in 1511–13 and a further £430,000 in 1523–25: about £1.4 million in fourteen years, against an ordinary income of a tenth of that per year, for Thérouanne and Tournai.

Then, in the spring of 1525, the crown reached past parliament. The Amicable Grant was a non-parliamentary levy — a sixth of the goods of the laity, a third of the goods of the clergy, on the sliding scales as first demanded — imposed by Wolsey to fund an invasion of France after Francis I's capture at Pavia. It was refused. Commissioners were met with anger across several counties; in Suffolk several thousand men assembled at Lavenham; the Duke of Suffolk found his own troops sympathetic to the protesters and reported that his men would defend him against all perils but would not fight their neighbours. The demand was halved, then abandoned; the king disclaimed knowledge of it and let his minister carry the blame.

That episode is the fiscal fact to set beside the dynastic one, and its lesson is exact and was learned. Extraordinary taxation had been tried without parliament and had failed publicly, at the cost of the minister's standing. Whatever the crown was going to do next, it was going to have to do lawfully, and lawfully in England meant through the two houses.

Whether the money and the marriage were two arms of one problem or two problems that happened to arrive together is genuinely disputed among historians, and this study will not resolve it by assertion. What can be said from the position alone is that a king short of money, short of an heir, and freshly instructed that he could not simply take, was a king whose available moves had narrowed to a very few.

*The weapon already lying on the table*

And here the landscape yields the single most important thing in it, which is that the legal instrument of the entire coming revolution was not invented in the 1530s. It had been on the statute book since 1393, and it was drafted in language that could have been written by Thomas Cromwell.

The fourteenth-century English crown had fought the same jurisdictional war and had won a partial, unenforced victory. The Statutes of Provisors restricted papal appointment to English benefices. The Statutes of Praemunire penalised carrying English pleas out of the realm. The greatest of them, 16 Richard II c. 5 of 1393, was passed on the Commons' petition after the pope had excommunicated English bishops for executing the king's writs and had proposed to translate English prelates without the king's assent. Its complaint runs that by such translations the statutes of the realm should be defeated and made void, the king's councillors carried out of his realm against his will, and *"the substance and treasure of the realm shall be carried away, and so the realm destitute as well of council as of substance, to the final destruction of the same realm."* And then, in one clause, the whole doctrine of 1533:

> *and so the crown of England, which hath been so free at all times, that it hath been in no earthly subjection, but immediately subject to God in all things touching the regalty of the same crown, and to none other, should be submitted to the pope, and the laws and statutes of the realm by him defeated and avoided at his will, in perpetual destruction of the sovereignty of the King our lord, his crown, his regalty, and of all his realm, which God defend.*

Everything is there. The crown of England has never been in earthly subjection. It is immediately subject to God and to none other. Roman jurisdiction over it is therefore not a right being withdrawn but a usurpation being resisted. The statute goes on to provide that anyone purchasing or pursuing at Rome or elsewhere any translation, process, sentence of excommunication, bull or instrument touching the king, his crown or his regalty — together with their notaries, procurators, maintainers, abettors, fautors and counsellors — shall be put out of the king's protection, their lands, tenements, goods and chattels forfeit to the king, and their bodies attached.

Two things about that statute deserve to be recorded exactly, because both will matter later.

The first is that the Commons pledged themselves to it in the strongest words a medieval petition offers: they and all the liege commons of the realm *"will stand with our said lord the King, and his said crown and his regalty, in the cases aforesaid, and in*

*all other cases attempted against him, his crown, and his regalty in all points, to live and to die."*

The second is that the lords spiritual, examined severally in that same parliament, agreed — but agreed with a protestation carefully entered on the roll, that it was not their mind to deny or affirm that the bishop of Rome may not excommunicate bishops, nor that he may translate prelates after the law of holy church. They conceded the temporal case and reserved the spiritual one. That reservation held the line for a hundred and forty years, and its collapse is the event this study exists to describe.

The practical consequence, in 1529, is that the crown did not need a new theory. It needed only to enforce a law that had been sitting there since Richard II, and to close the gap the bishops' protestation had opened. Praemunire was not an antiquarian curiosity: Wolsey would be destroyed by it in October 1529, and the entire clergy of England charged under it in 1531. A man in Henry's position, looking for materials, did not have to imagine an instrument. He had to pick one up.

*The seam had been forced open once already*

And he had watched it done, in his own reign, when he was twenty-three.

In March 1511 a London merchant tailor named Richard Hunne refused to hand over his dead infant son's bearing sheet as a mortuary. Sued in the church court, he counter-attacked in the king's — bringing an action of praemunire against the priest, on the ground that a cause belonging to the king's courts was being held in a spiritual one. The clergy answered with a heresy charge. On 4 December 1514 Hunne was found dead in his cell in the Lollards' Tower at St Paul's; the coroner's jury returned murder against the bishop's chancellor, Dr Horsey, and two others; the accused claimed benefit of clergy and were never tried; and on 20 December the church proceeded against Hunne's corpse for heresy and burnt it. Fish, fifteen years later, put the moral in one line: *"Had not Richard hunne commenced accyon of premunire ageinst a prest he had bin yet a lyue and none heretik at all but an honest man."*

The affair ran straight into a constitutional crisis. The Abbot of Winchcombe preached against a statute of 1512 restricting benefit of clergy; the Franciscan Henry Standish defended it; a conference at Blackfriars in 1515 heard both sides, and the judges held that the clergy who had questioned Standish had themselves incurred praemunire. Wolsey knelt before the king and asked that the whole matter be referred to Rome for clarification. The king refused. The words he is reported to have used at that moment survive only at a considerable remove — through the seventeenth-century historian Gilbert Burnet, and in the law reports of the period — and are given here

with that provenance stated rather than hidden, because they are too apt to be trusted without it:

> *By the permission and ordinance of God, we are king of England, and the kings of England in times past had never any superior but God only. Therefore know you well that we will maintain the right of our crown and of our temporal jurisdiction, as well in this as in all other points, in as ample manner as any of our progenitors have done before our time.*

Then parliament was dissolved and the matter dropped. Nothing followed. The seam had been forced open, the king had said in public what he thought his crown was, and the arrangement closed over the gap and ran on for another fourteen years. That is not a failed rehearsal. It is evidence about the position: the proposition was available, it was sayable, it had been said, and in 1515 there was no reason to press it, because nothing the king wanted was on the other side of it.

## The hinge: what changed between 1527 and 1529

By 1527 something the king wanted was on the other side of it, and the route to it had been closed by an accident of European war.

An annulment of a royal marriage was not an extraordinary request; popes granted them, and Henry's own sister had received one on thinner grounds. The obstacle was not doctrine but geography. On 6 May 1527 the emperor's unpaid army sacked Rome, and Clement VII passed into the effective power of Charles V — who was Catherine of Aragon's nephew. The one man in Christendom who could dissolve the marriage was in the custody of the one man in Christendom with the strongest reason to prevent it.

What followed is two years of a jurisdiction being tested to destruction. A papal bull of April 1528 empowered Wolsey to take cognisance of the king's cause; Campeggio was made legate in June 1528 and arrived, slowly, in December. The court opened at Blackfriars on 31 May 1529. Catherine appeared on 21 June, knelt before her husband, and denied the court's competence. On 6 July the pope resolved to allow her appeal and call the cause to Rome; on 23 July Campeggio, without waiting for the notification, adjourned the court for the Roman summer vacation. It never met again.

The sequence of the next four months is the whole landscape in compressed form. On 5 August the emperor and the King of France made peace at Cambrai, and England's diplomatic leverage evaporated. On 9 October Wolsey — cardinal, legate for life, chancellor — was indicted by writ of praemunire, the fourteenth-century statute against submitting to a foreign jurisdiction, for exercising in England the papal authority he had been given by the pope with the king's full knowledge and

encouragement. On 25 October he surrendered the great seal and Sir Thomas More took it. On 3 November parliament opened.

Notice what that indictment actually did, because it is the first move of the whole operation and it is entirely characteristic of everything that follows. It did not announce a new principle. It applied an old statute, in an ordinary court, to a man who was indisputably guilty on its terms — and in doing so it established, without argument and without resistance, that exercising legatine authority in England was a crime against the crown. The theory of the royal supremacy was not proclaimed in 1529. It was entered as a verdict in a case.

And around the king, in that autumn, lay a set of materials that a man in his position could see and reach. Praemunire on the statute book. A minister destroyed by it, which had just demonstrated that it worked. A parliament summoned, which was the only lawful route to money since 1525. A precedent for suppressing religious houses and taking their endowments — Wolsey's own suppression of some two dozen small houses in the 1520s to fund his colleges at Oxford and Ipswich, carried out with papal authorisation and administered by a lawyer in his household named Thomas Cromwell. A continental example: Sweden had taken church property at Västerås in 1527 and German princes had been doing it since the middle of the decade. A pamphlet, read that same year, arguing that the church held a third of the realm on a doctrine that was false. And a hostile witness's most useful sentence, which was not about wealth at all but about the upper house: *"Are they not stronger in your owne parliament house then your silfe? whate a nombre of Bisshopes, abbotes, and priours are lordes of your parliament?"*

Fish was not being fanciful. Until the monasteries went, the lords spiritual — two archbishops, nineteen bishops, and a body of mitred abbots and priors whose exact number varies between accounts and was somewhere in the region of twenty-five to thirty — sat in the House of Lords as a majority, or very close to one, over the entire temporal peerage. Any king proposing to legislate against the church's position would have to pass his statutes through a chamber in which the church's own prelates could outvote his nobility.

That is the position, and it is worth stating as a position rather than as a story about a marriage. A lawful king, forty-four years into a dynasty founded on a battlefield, without a son, out of money, freshly refused a tax, whose access to the one authority that could solve his dynastic problem had been closed by a foreign army, holding a fourteenth-century statute that declared his crown subject to God alone, facing a rival power-holder inside his realm that was richer than he was, judged his subjects under a

foreign law, taught every child in the country, and commanded the upper house of his own parliament.

## The seam this study will pry at

Set the two halves of this landscape against each other and the shape of the whole study is already legible, together with the four places where the framework this collection carries is going to bend.

**The sequence should invert, and that is the first thing to test.** A conqueror lays his floor first and fits his story afterwards, because he does not need to be lawful until he needs his grants to be heritable — hence Hastings in October, a coronation in December, and a Norman claim that does not enter the record until the 1070s, when the spoil had to be converted into inheritance. Henry cannot run that sequence, and the reason is structural rather than temperamental. His entire standing consists of lawfulness. The moment he acts as a conqueror he becomes one, and every title in England reopens, including his own and including the ones his father spent a reign stabilising. So the prediction is: the law comes first, the taking second, and force is applied only to those who refuse the law once it exists. Floor-then-robe is the outsider's sequence; robe-then-floor is the insider's. If that holds against the evidence it is a genuine addition, because the framework currently treats the order as fixed.

**The settlement fiction available to him is not one of the four this collection has catalogued.** A conqueror can declare land vacant, or confirm an elite in what it is said already to hold, or partition a collective holding into saleable shares, or seat his own followers in the exact positions of named dead predecessors. Every one of those requires either an empty country, a foreign elite, an unowned tenure, or a dead man. Henry has none. His targets are alive, English, lawfully seised, locally popular, and in many cases sitting in his own House of Lords. What he used instead is the question the settlement module will have to answer, and the answer may be a fifth family.

**The extraction is a stock, not a flow.** The framework holds that flow extraction — a harvest, a rent, a tribute drawn at a tunable rate — settles at an equilibrium just short of the revolt threshold, because the extractor needs the producer alive and producing. A stock has no rate. You cannot take a third of an abbey. The land is taken once, entire, and what happens afterwards is a different question altogether: what happens to the money, and what happens to the men who bought.

**And the default engine will be manufactured by sale.** This is the proposition the case exists to test, and it has the enormous advantage of having been tested twice under near-laboratory conditions within forty years — once when Mary reversed the doctrine completely and could not reverse the land, and once in 1569, when the last great

magnate rising in the north failed. If a settlement that runs on title survives two reversals of the belief that justified it, this case contributes something sharp and general.

Underneath all four sits the recursion, and it will be the hardest discipline to keep. The institution about to be broken had itself been built — by a mission from Rome in 597 and a conquest from Normandy in 1070 — and had become entirely, genuinely, uncynically real. The institution about to replace it would be built too, by statute and by injunction and by a very small number of extremely visible executions, and would become entirely, genuinely, uncynically real in its turn, within about the same span of generations. Neither of those facts makes either church a fraud. What the study is measuring is not sincerity, which is unrecoverable, but the arithmetic: what was said, what was done, who paid, who gained, and how long the gap between the first two stayed open.

The modules that follow build each of these out — the floor laid retail rather than wholesale, by an oath tendered person by person and a handful of deaths staged for maximum visibility; the settlement and the instrument that made it lawful; the robe in its own drafting, which for this case means the statute preambles, quoted at the length the argument needs; the formation that had to be attacked because the doctrine was the title deed; the cost column, the extraction, and the information; and, with the sharpest attention the study has, the arrangement inside the ruling group that made the whole thing hold, and the parliament that was enlarged past all intention by being used.

What the landscape has established is the ground they stand on. One realm. Two jurisdictions. A church that was rich, judicial, foreign-headed, formative, and loved. A crown that was lawful, broke, sonless, and holding a hundred-and-forty-year-old statute declaring itself subject to God alone. And, in the autumn of 1529, a parliament summoned to Westminster with no announced programme at all.

*A note on sources.* Quoted exactly from public-domain primary texts: the Statute of Praemunire of 1393 (16 Ric. II c. 5) — the clause on the crown of England in no earthly subjection, the passage on the treasure of the realm being carried away, the Commons' undertaking to stand with the crown "to live and to die," the lords spiritual's protestation, and the penalties on notaries, procurators, maintainers, abettors, fautors and counsellors — from the text as printed in Pickering's *Statutes at Large*; Simon Fish, *A Supplicacyon for the Beggers* (spring 1529), in Edward Arber's 1878 edition, for the two kingdoms made of one, the ravenous wolves in herds' clothing, the third part of the realm, the tenth egg, the fifty-two thousand parish churches, the strength of the prelates in the parliament house, the excommunicate's loss of standing in the king's courts, the purgatory passage, and the line on Richard Hunne; and the preamble of the Act in Conditional Restraint of Annates of 1532 (23

Hen. VIII c. 20) for the eight hundred thousand ducats and for the statement that annates were first suffered for the defence of Christian people against the infidels and are now demanded only for lucre. The words attributed to Henry VIII at the close of the Blackfriars conference of 1515 are given as reported by Gilbert Burnet in the following century and reproduced in nineteenth-century public-domain form; they are not a contemporary record and are flagged as such in the text.

Paraphrased and credited to modern scholarship: Alexander Savine's analysis of the Valor Ecclesiasticus (*English Monasteries on the Eve of the Dissolution*, 1909) for the range of estimates of monastic landholding and his own preference for at least a sixth, together with his warnings about what "monastic land" concealed; Knowles and Hadcock's census of religious houses; the historiographical dispute over the state of English religion, running from A. G. Dickens's *The English Reformation* (1964) through Christopher Haigh's revisionist essays, J. J. Scarisbrick's *The Reformation and the English People* and Eamon Duffy's *The Stripping of the Altars* (1992), and the post-revisionist pushback which holds that Duffy underrates the evidence of anticlericalism — the disagreement is named rather than resolved, and this study takes only the point on which the field now broadly agrees, that parish religion was vigorous and expensively supported on the eve; the standard accounts of the ecclesiastical courts and their jurisdiction; the Italian absentee bishops of Worcester and Campeggio's administration of Salisbury; Wolsey's legateship of 1518 made perpetual in 1524; and the standard chronology of 1527–29.

Contested figures are given as ranges and should not be hardened. The church's share of English land is variously put between a tenth and a third and cannot presently be fixed; the Valor's monastic totals are reported at roughly £136,000 gross and £91,000 net on one reckoning and nearer £165,000 on others, with the whole ecclesiastical revenue often given around £320,000, and the survey itself postdates this landscape by six years and was compiled by interested parties on both sides; the number of religious houses is usually given as about eight hundred to eight hundred and fifty, holding somewhere between nine and twelve thousand religious; English parishes numbered under ten thousand against Fish's fifty-two thousand; the crown's ordinary revenue is put at £100,000–£110,000 and Henry VII's accumulated surplus variously from several hundred thousand pounds to above a million; war expenditure of 1511–25 is given here at about £1.4 million on one standard reckoning; the eight hundred thousand ducats of the annates preamble is the government's own hostile figure and is very likely inflated; and the number of mitred abbots and priors summoned to the Lords is given differently in different accounts, somewhere in the region of twenty-five to thirty, sufficient with the bishops to make the spiritual lords a majority or near-

majority before the dissolution. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 1

# Iron Is Marvellous Scarce

*The floor of force — a revolution enacted by statute and enforced person by person, the very small number of extremely visible deaths that made it credible, and the one fortnight in which the retail method was abandoned*

## What a floor looks like when the man laying it already owns the apparatus

Every other founding in this collection begins with an army crossing something. A Channel, a frontier, a sea. There are ships to count, horses to feed, a battle with a date on it, and afterwards a winter or four of burning villages to make the result hold. The floor of force is a physical thing that occupies ground, and it can be reconstructed by counting the men who occupied it.

None of that applies here, and the absence is the first fact to establish rather than a gap to apologise for. No army crossed anything. No castle was built. No foreign troops entered England, and the ones already in England — such garrisons as the crown maintained — were not used against the church at all. There was no campaign, no siege, no field, and for the first seven years of the operation, no fighting whatever.

What there was instead was a sequence of statutes, an oath tendered to individual men by name, and a very small number of deaths staged with extraordinary care. That is a floor. It is simply a floor built by somebody who did not have to acquire the apparatus of coercion because he already held it, and who therefore faced an entirely different problem from a conqueror's. A conqueror's problem is *possession*: who holds the ground? Henry's possession of England was not in question at any point between 1529 and 1547. His problem was different, and the whole shape of the module follows from naming it correctly.

His problem was that a statute is a proposition. Parliament could declare that the king was and always had been supreme head of the church in England, and did; but a declaration, however lawfully made, is something a man may privately disbelieve at no cost to himself. Until somebody has died for denying it, the proposition is contestable in every parish in the country, at the price of nothing. The floor's job in this case is therefore not to hold ground and not to take anything. It is to convert a legal proposition into a fact about the cost of saying otherwise.

That job has a completely different cost structure from a conquest, and the difference explains everything that follows: the smallness of the numbers, the extravagance of the staging, the fact that the whole thing ran on paper for five years before anyone was killed, and the fact that when it finally met a crowd rather than an individual, it did not work and had to be replaced for a fortnight by something else.

## The sequence, dated — and the prediction it tests

The framework this study carries holds that force comes first and the legitimating story is laid over it afterwards, to make the force cheap. In the Norman case the dating was unambiguous and confirmed it: an afternoon at Hastings in October 1066, four winters of burning to make it hold, and no element of the Norman claim to lawful succession entering the surviving record until the 1070s, when the spoil had to be converted into heritable title.

Here the dating is equally unambiguous and inverts it. Set the sequence out and the pattern is not arguable.

**October 1529.** Wolsey is indicted by writ of praemunire under a statute of 1393 for exercising in England a legatine authority the pope had given him with the king's full knowledge. He surrenders the great seal on 25 October. No violence; a writ.

**Late 1530 and 1531.** The whole clergy of England are indicted on the same charge, for having submitted to the cardinal's legacy. To escape it, the two convocations buy a pardon. The province of Canterbury paid £100,000, that of York £18,840 — a figure sometimes given as a combined £118,000 or £119,000 and payable over five years — and, after three days of debate and repeated messages from the king, conceded the title he demanded. They conceded it with a saving clause: supreme head of the church of England *quantum per Christi legem licet*, as far as the law of Christ allows. That clause is the whole of the resistance the English church offered in 1531, and it was a lawyer's clause. Two years later it was gone from the drafting.

**1532.** The Commons' Supplication against the Ordinaries; and on 15 May the Submission of the Clergy, by which convocation surrendered the power to make canons without royal licence. Thomas More resigned the great seal the next day.

**1533.** The Act in Restraint of Appeals closes the road to Rome.

**March 1534.** The Act of Succession vests the succession in the children of Anne Boleyn, bastardises Mary, and provides that subjects may be required to swear to it.

**November 1534.** The Act of Supremacy declares the king *is and ought to be* supreme head — declaratory, not creative, in its own grammar. And the Treasons Act makes denial of that title a capital crime, with effect from the first day of February following.

**April 1535 onward.** The first arrests under the Treasons Act. **May 1535.** The first executions.

Six years elapsed between the first application of legal force and the first death. Every capital penalty in the whole business postdates by months or years the statute that created it, and every statute was passed by both houses in the ordinary way, received the royal assent, and was enrolled. Nothing was taken before it was lawful to take it, and nobody was killed for doing something that had been lawful when he did it — the Treasons Act is expressly prospective, biting only *after the first day of February next coming*.

This is not a veil thrown over a seizure by men who knew better. It is the shape the operation had to take, and the reason is structural rather than moral. The king's entire standing consisted of lawfulness. Every landholding in England ran from the crown; a crown that acted outside the law would have reopened every title in the country, including its own, and the memory of what a disputed title costs was two generations old and vivid. A conqueror does not need to be lawful until he needs his grants to be heritable. An insider needs to be lawful from the first hour, because lawfulness is the only thing he has that a rival does not.

**So the sequence inverts, and the inversion is real: robe first, then settlement, then force applied only to those who refused the law once it existed.** The framework has treated the ordering as fixed. It is not fixed; it is a function of whether the man laying the floor is standing inside the order or outside it.

## The oath: a floor tendered one man at a time

The instrument that did the actual work was not the axe. It was the oath, and it deserves close attention because it is the characteristic technology of an insider's floor and the framework does not yet name it.

The commissions went out in the spring of 1534. On 13 April the clergy of London were summoned to Lambeth and required to swear. Commissioners were named in every shire; the heads of religious houses were visited and their communities subscribed; the universities subscribed; the bishops subscribed. The form ran that the swearer would bear faith, truth and obedience *alonely* to the king's majesty and to the heirs of his body by his lawful wife Queen Anne — and the oath as administered went further than the Act had, requiring the swearer to renounce the power of any foreign authority or potentate and to repudiate any oath previously made to such an authority. More noticed the discrepancy immediately and rested part of his defence on it.

Consider what an oath does that a proclamation cannot.

A proclamation is addressed to everybody, which is to say to nobody in particular. A man may hear it read at the market cross, walk home, and continue to think whatever he thought before, and the state will never know and cannot care. An oath is addressed to a named person, on a stated day, before named commissioners, and entered on a subscription list that goes into a file in London. It abolishes the option of silence. There is no anonymous refusal, because refusal is a thing done in a room, in front of witnesses, by a man whose name is already written at the head of the page.

That is a floor of extraordinary efficiency, and its efficiency is precisely that it costs the state almost nothing. The entire burden of decision has been transferred to the subject. He must act; and since the overwhelming majority of men in any country will not choose martyrdom over a formula, the overwhelming majority swore. The bishops swore. The abbots swore. Almost the whole clergy of England swore, including men who would spend the next twenty years quietly regretting it.

At Lambeth on 13 April 1534 three men refused: John Fisher, bishop of Rochester; Sir Thomas More, lately lord chancellor; and Dr Nicholas Wilson. All three went to the Tower.

Three. Out of a country of two to three million people, and out of a clerical estate numbering in the tens of thousands.

## The Treasons Act, and the one word the defence rested on

The statute that made the refusals capital is worth quoting at the length the argument needs, because it is the floor in its own drafting and because its construction is the whole of what happened to More.

> *Be it therefore enacted by the assent and consent of our sovereign lord the king, and the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that if any person or persons, after the first day of February next coming, do maliciously wish, will or desire, by words or writing, or by craft imagine, invent, practise, or attempt any bodily harm to be done or committed to the king's most royal person, the queen's, or their heirs apparent, or to deprive them or any of them of their dignity, title, or name of their royal estates, or slanderously and maliciously publish and pronounce, by express writing or words, that the king our sovereign lord should be heretic, schismatic, tyrant, infidel or usurper of the crown ...*

Two things about that text.

The first is *by words or writing*. English treason law since 1351 had turned on overt acts — compassing the king's death, levying war, adhering to his enemies. This statute

makes speech itself the act. To deprive the king of the *name* of his royal estate is treason; and by November 1534 his royal estate included the style of only supreme head in earth of the church of England. Deny the title and you have committed the crime, having done nothing else whatever.

The second is *maliciously*, and it is the word on which the whole legal architecture balanced. It was inserted, on the usual account, at the insistence of members who wanted a limit; and it meant, or was argued to mean, that a man could not be convicted for words spoken without malice. More's defence was built on it and on the rule that silence in law imports consent — he had refused to swear and had refused to say why, and had said nothing at all against the title. The construction the court adopted was that malice was inherent in the denial. The word survived in the statute and protected nobody.

That is worth recording precisely rather than sneering at, because it is the mechanism working exactly as the framework predicts it must. A law cannot legitimate unless it genuinely constrains a great deal of the time; and the constraint here was real enough that the crown had to argue its way past a single adverb in open court, in front of a jury, using a legal fiction about the meaning of silence. It did not simply take him out and kill him. It took eleven months, an indictment, a trial at Westminster Hall, and an argument about a word.

## The deaths, counted exactly

Now the count, because the numbers are small and the smallness is the finding.

**20 April 1534.** Elizabeth Barton, the Nun of Kent, a visionary who had prophesied against the king's marriage, was hanged at Tyburn with five associates — two Benedictines, two Observant friars and a secular priest. They died by act of attainder rather than by trial, which is to say by parliament's own judgment rather than a jury's, and they died before the Treasons Act existed. Six.

**4 May 1535.** The first executions under the supremacy legislation, and the most carefully staged event of the reign. Three Carthusian priors — John Houghton of the London Charterhouse, Robert Lawrence of Beauvale, Augustine Webster of Axholme — together with Richard Reynolds, a Bridgettine of Syon, and John Hale, vicar of Isleworth. They were drawn on hurdles through the city to Tyburn and there hanged, cut down alive, disembowelled and quartered. They went to the scaffold in their religious habits, which was unprecedented: a condemned religious was normally degraded from his order first, and the omission was deliberate. Five.

**19 June 1535.** Three more of the London Charterhouse: Humphrey Middlemore the vicar, William Exmew the procurator, and Sebastian Newdigate, a choir monk who

had been a gentleman of the privy chamber and the king's personal friend. They had been kept chained upright by the neck and arms for thirteen days first. The king visited Newdigate in prison, twice, to argue with him. Then Tyburn, and the same death. Three.

**22 June 1535.** John Fisher, bishop of Rochester, beheaded on Tower Hill. The pope had made him a cardinal the previous month, which is generally taken to have hastened rather than delayed the sentence. One.

**6 July 1535.** Thomas More, beheaded on the same spot. His son-in-law William Roper, writing some twenty years afterwards, records what he said and did, and it is the most quoted scene in the reign for a reason — a man walking up a scaffold so badly built it was ready to fall, and remarking to the lieutenant of the Tower, *"I pray you, Master Lieutenant, see me safe up, and for my coming down let me shift for myself."* And then, Roper says, he desired all the people thereabout to pray for him, and to bear witness with him, *"that he should now there suffer death in and for the faith of the holy Catholic Church."* (The sentence for which he is most famous — that he died the king's good servant, but God's first — is not in Roper; it comes from other contemporary reports in variant wordings, and is given here as attributed rather than as documented.) One.

Add the Charterhouse's later dead: two monks, John Rochester and James Walworth, hanged in chains from the battlements at York in May 1537; and the community's remainder, chained in Newgate through the summer of 1537, of whom nine died in prison. Add William Horne, the last of them, at Tyburn in August 1540.

**That is the whole of it, for the supremacy proper: somewhere around twenty men in six years, out of a population of two to three million.**

The count matters because the reputation is enormous and the reputation is largely false in its arithmetic. The figure of seventy-two thousand executions in the reign, which still circulates, comes from William Harrison writing in the 1570s and repeated in Holinshed; it refers to hangings for theft and vagrancy under the whole run of the criminal law, not to political killing, and it is not defensible even for that. Modern work on the treason records — Elton's above all — puts the total of treason and heresy executions across the reign in the hundreds, not the tens of thousands, and the specifically supremacy-related deaths before the northern risings at a few dozen at most.

So the floor was tiny. And it was, by any measure available, extremely effective. Which raises the question the module exists to answer: how does a floor that killed twenty men hold a revolution against an institution that owned a quarter of the country and taught every child in it?

## The answer is that it was not the number, it was the audience

Every element of the staging points the same way, and once seen it cannot be unseen.

The Carthusians were chosen. They were the most austere, most respected and least corrupt religious order in England; nobody in the country believed a Carthusian was in it for the money. Their refusal could not be dismissed and therefore their deaths could not be either. Executing them was a demonstration that the argument from sanctity did not work — that being obviously holy bought you nothing.

They died in their habits, which broke the rule requiring degradation first. That is not carelessness. A man in a habit on a hurdle in Holborn is a walking statement about what the habit is now worth.

They died at Tyburn, in public, by the full traitor's death, which took a long time on purpose. Their quarters were afterwards set on the gates and walls of the city and on the gate of the Charterhouse itself — that is, on the door of the house whose surviving brethren had to walk under it.

Fisher was a bishop and More had been lord chancellor. The two most eminent laymen and clerics in England who had said no, killed in the same fortnight, on Tower Hill, in front of London.

Set all of this beside a plain rule the framework already holds: **force never pays for what it does not need.** A state that wanted merely to remove obstacles could have let these men die in prison, as it later let nine Carthusians die in Newgate — quietly, cheaply, invisibly, at no political cost at all. It did not. It spent enormous care and considerable risk on making a very small number of deaths as visible as it was possible to make them, in the capital, before the largest audiences available.

The expenditure is the evidence. And what it reveals is the difference between a conqueror's floor and an insider's, which can be put as a single line:

**A conqueror's floor is measured in men under arms, because it has to hold ground against an army. An insider's floor is measured in audience, because it is pricing a sentence rather than holding a country.**

Volume is the wrong instrument for reading this case. Twenty deaths, correctly placed, told every abbot in England exactly what it would cost him to say what Houghton had said. They did not need to be repeated, because the price had been established, and a price once established does not need re-establishing every year.

## And then it met a crowd

The method had one limitation, and in the autumn of 1536 the limitation arrived.

An oath is a retail instrument. It works on a man in a room. It has nothing whatever to say to thirty thousand men assembled in arms in Yorkshire under a banner of the Five Wounds of Christ — there is nobody to tender it to, no room, no commissioners, and no way to make the transaction happen one subject at a time. The rising that began in Lincolnshire in October 1536 and spread into Yorkshire under Robert Aske was, by a wide margin, the largest armed challenge any Tudor faced, and the crown's forces in the north were badly outnumbered. (What the rising was, who led it, and what it wanted are questions this study will take up where they belong, in the account of how orders change; what belongs here is only what the crown did about it, because that is the floor.)

What the crown did about it first was negotiate. The Duke of Norfolk met the pilgrims at Doncaster, and they dispersed on a general pardon and a promise of a parliament at York. That is the plainest possible statement of where the floor stood in December 1536: the government of England bought off an unarmed-in-principle rebellion with a promise, because it could not price it.

Then, in January 1537, Sir Francis Bigod raised a fresh and much smaller rising in the East Riding, against Aske's advice and to Aske's horror. It failed within weeks, and it released the crown from the terms of Doncaster.

What follows is the single most valuable document in this module, because it is the king instructing his commander in writing, and it survives.

## Twenty-second of February, 1537

Henry's letter to Norfolk of 22 February 1537 exists in a draft in Wriothesley's hand and is calendared in the *Letters and Papers*; the wording below is that of the calendar, which reproduces the substance and much of the phrasing of the original.

> *We approve of your proceedings in the displaying of our banner, which being now spread, till it is closed again, the course of our laws must give place to martial law; and before you close it up again you must cause such dreadful execution upon a good number of the inhabitants, hanging them on trees, quartering them, and setting their heads and quarters in every town, as shall be a fearful warning, whereby shall ensue the preservation of a great multitude.*

Read the first clause slowly, because it is the constitutional fact of the whole reign compressed into fourteen words. *Which being now spread, till it is closed again, the course of our laws must give place to martial law.* The king's banner, once displayed, suspends the ordinary law of England for as long as it flies. It is a hole punched deliberately in the lawfulness, with a stated beginning and a stated end, by the man

whose entire authority rests on that lawfulness — and the letter is careful about the end as well as the beginning: *that done, ye shall close up our said banner both for the advancement of ordinary justice between parties and for the punishment of other malefactors.*

The same letter contains two further instructions that should be set beside it without comment. On the religious houses that had resisted since Doncaster — Sawley, Hexham, Newminster, Lanercost, St Agatha's — Norfolk is to proceed *without pity or circumstance, now that our banner is displayed*, and *cause the monks to be tied up without further delay or ceremony*. And on the estates of the condemned: he is to see to the lands and goods of such as shall be attainted, that the king may have them in safety, *to be given, if we be so disposed, to those who have truly served us, for we hear there were among them divers freeholders and rich men.*

Two days later Norfolk answered from Carlisle, and his letter is the floor described by the man operating it.

He had, he reported, put such order that all the offenders of the last insurrection from Westmorland, Cumberland and Cockermouth had come in and submitted as humbly as could be, and *"if ropes enough had been found would have come with the same about their necks. But they were no fewer than 6,000, out of whom, by the advice of the Council and gentlemen of these parts, 74 were chosen as principal offenders and judged to suffer death by martial law, your banner being displayed."*

Seventy-four out of six thousand. Not a massacre — a selection, made by a council and the local gentry, of the men whose deaths would carry the message furthest.

Then the distribution, and it is the same logic that put the Carthusians' quarters on their own gate: *"They shall be put to death in every town where they dwelt. Twelve of them here for the assault given to this city, and as many as chains of iron can be made for in this town and in the country shall be hanged in them; the rest in ropes."*

And then, in one sentence, the material limit of a state that has decided to make an example:

> *Iron is marvellous scarce.*

A man hanged in chains hangs for months, in the sight of everyone who passes; a man hanged in a rope is cut down and buried. The difference between the two is the difference between an execution and a monument, and Norfolk wanted monuments in every town in two counties. He could not have them, because there was not enough iron in Cumberland and Westmorland to make the chains, and he wrote to his king to say so and hanged the remainder in ropes.

Two more sentences of the same letter deserve to stand on the page, because between them they contain the most important finding in the module.

The first is an admission: *"Had he proceeded by jury, thinks not the fifth man of them would have suffered; for they say I came out for fear of my life, or for fear of burning of my houses and destroying of my wife and children, &c.; 'and a small excuse woll be well believed here, where much affection and pity of neighbours doth reign.'"*

The second is a boast: *"though the number be nothing so great as their deserts did require to have suffered, yet I think the like number hath not be heard of put to execution at one time."*

And attached to the letter, in Latin, is the list of the men. They are set out parish by parish — five of Kirkby Stephen, two of Winton, one of Mallerstang, two of Soulby, eight of the parish of St Michael in Appleby, three of St Lawrence in Appleby, eight of Penrith among them Sir Edward Perith, chaplain, two of Cockermouth, one of Eaglesfield, one of Dean, one of Tallentire — Thomas Tibbee, Robert Rowlandson, Edmund Playce, Peter Johnson, Thomas Syll, Hugh Dent, Lancelot Shaw, Edward Bowsfell, Richard Wallor, John Bowsfell, Roger Gibson, Jenkin Wallor, John Rakestrawe, and sixty more. The clerk endorsed the total at the foot in Roman numerals: *Numero lxxiiij.*

The reprisals across all the risings, when they were finished, are usually put at between about a hundred and eighty and two hundred and sixteen dead, including six or seven abbots, some thirty-eight monks, sixteen parish priests, and the named leaders — Aske hanged in chains at York, Constable in chains at Hull, Darcy beheaded on Tower Hill, Hussey at Lincoln. The figures are reported differently in different accounts and should be carried as a range.

## What the arithmetic of one fortnight shows

Three findings come out of those two letters, and the third is the one this module contributes.

**First, the selection.** Seventy-four out of six thousand who had submitted; and the seventy-four distributed across two counties so that each parish had its own. A floor that wanted to kill rebels would have killed rebels. This floor wanted a fact established in every village, and it economised on bodies while maximising the number of places in which a body could be seen. That is the identical logic as Tyburn in 1535, applied at scale.

**Second, the shortage.** A state that decides to hang men in chains in every town discovers that it does not have the chains. This is worth more than an anecdote. A retail floor is cheap precisely because it is small — an oath costs a clerk's afternoon, an

execution costs a hurdle and a hangman — and its cheapness is the reason an insider can afford it indefinitely. The moment it is asked to operate wholesale it runs immediately into the material constraints that a conqueror provides for in advance and an apex has not, because he never expected to need them. Norfolk's problem was not political will. It was ironmongery.

**Third, and decisively: the king's own courts would not have convicted.** Norfolk states it in writing to Cromwell — not one man in five would have suffered by jury, because a small excuse is well believed where much affection and pity of neighbours doth reign. He is describing a working legal system doing exactly what a working legal system does: applying a standard of proof, weighing duress, and being staffed by men who knew the accused. And so the crown did not use it. It displayed the banner, suspended the course of its own laws, and killed under martial law the men its courts would have acquitted.

That is the finding, and it should be stated without softening in either direction. The ordinary law of England was a genuine constraint — genuine enough that the government could not get the result it wanted through it, and had to go round. And the going round was itself performed lawfully, by a recognised prerogative act with a beginning and an end, so that when the banner was closed again the ordinary law resumed and the whole episode could be described, accurately, as the king having exercised a power the law of England allowed him. Both halves are true. A constraint that can be lawfully suspended is a real constraint and a survivable one, and understanding how that combination works is most of what there is to understand about the difference between a bounded order and an unbounded one.

## Reading the floor against the framework

This case confirms the framework's core claim about the floor — that a durable order rests on organised violence, and that the violence must be credible before anything else can be cheap — and it bends the claim in three places that are worth carrying forward.

**The sequence inverts for an insider, and this is the study's first substantive contribution.** The framework has held that the floor comes first and the legitimating story is fitted afterwards, at the point where spoil must become inheritance. That is the *outsider's* sequence, and it is correct for outsiders because a conqueror's problem is possession and he does not need to be lawful until he needs his grants to be heritable. An apex cannot run it. His standing consists of lawfulness; the instant he acts as a conqueror he becomes one, and every title held under him reopens. So he must make the taking lawful before he takes, and apply force only to those who refuse the law once

it exists. The dating here is unarguable — statutes from 1531 to 1534, the first death under them in May 1535 — and the rule to carry to other cases is: **floor-then-robe is the outsider's sequence; robe-then-floor is the insider's, and which you observe tells you where the man stood when he began.**

**The oath is the insider's characteristic instrument, and it belongs on the card by name.** It is the mechanism by which a general proposition is converted into a personal transaction: a named man, on a stated day, before witnesses, with his answer written down. It abolishes silence, which is the ordinary subject's only free position; it transfers the entire cost of the decision from the state to the subject; and it is almost free to administer. A conqueror has no use for it, because he is not asking his conquered population anything. An apex has every use for it, because the population he is testing is his own, is lawfully his, and is already inside the machinery that can summon it. Where a study finds an oath tendered person by person across a whole realm, it is looking at a floor being laid by somebody who already owns the state.

**And the retail floor has no wholesale setting.** This is the limit, and it is sharp. The oath works on individuals and fails completely against an assembled crowd, because there is no room, no commissioner, and no name at the head of the page. When the crowd came, the crown had exactly two options and used both in succession: it negotiated, buying dispersal with a pardon and a promise; and then, when a pretext released it, it suspended its own law for a defined period and killed under martial law the men its courts would not have convicted. **An insider who needs a wholesale floor has to stop being lawful for a stated interval — which is precisely what displaying the banner meant, and precisely why the letter that authorises it is equally careful about closing it again.**

Two smaller findings compound and will matter later.

The visibility principle generalises. Where a conqueror's floor is read by counting soldiers, an insider's should be read by counting *audiences* — who saw it, from where, and what they were meant to conclude. The Carthusians in their habits, the quarters on the Charterhouse gate, Fisher and More on Tower Hill in the same fortnight, seventy-four men distributed across every town where they had dwelt, the chains that would have held them where everyone could see them if there had been iron enough: every one of these is an expenditure on being seen, made by a government that could have killed the same men invisibly for less. Force never pays for what it does not need, and this force paid, repeatedly, for exposure.

And the estates were in the letter. Amid the instructions about hanging and quartering, the king remembers to tell his commander to secure the lands and goods of the attainted, because he has heard there were among them divers freeholders and rich

men, and they may be given to those who have truly served him. That single clause is the hinge between the floor and everything the rest of this study is about. The men who received those lands, and the very much larger number who bought monastic estates in the following four years, are the mechanism by which a revolution enforced by twenty deaths and seventy-four hangings became something no successor could undo — and that is the next question but one.

Two disciplines to close, and both are easy to violate here.

The first is against reading the smallness as mildness. Twenty men killed for a doctrine is not a small thing to the twenty, and neither is seventy-four, and neither are the nine who starved in Newgate. The Carthusians were not fools and were not fanatics; they were the most disciplined religious in England, they made a serious and coherent argument, they were given every opportunity to save themselves by saying eight words they did not believe, and they declined. The king went in person to argue with one of them. Legibility is not pardon, and an accurate count is not a mitigation; it is the arithmetic, and the sum belongs to the reader.

The second is against the mirror error, which is to treat the low number as evidence that the whole thing was somehow bloodless. It was not bloodless; it was *efficient*, which is a different and in some ways more disturbing property. A regime that needs thousands of deaths to hold a country is a regime whose story has not taken. A regime that needs twenty has either a population that already agrees or a population that has correctly calculated the price of disagreeing — and the whole business of the next eleven years was to convert the second condition into the first, by taking apart the doctrine on which the old order's title rested and selling the land underneath it to men who would then have a reason of their own to keep it standing.

*A note on sources.* Quoted exactly from public-domain primary texts: the Treasons Act 1534 (26 Hen. VIII c. 13) in the standard statute-book English, at the passage beginning *Be it therefore enacted* and running through *heretic, schismatic, tyrant, infidel or usurper of the crown*; William Roper's *Life of Sir Thomas More* (written c. 1556, first printed 1626) in the Singer edition, for More's words at the scaffold — *see me safe up, and for my coming down let me shift for myself*, and his request that the people bear witness that he suffered death *in and for the faith of the holy Catholic Church*; and Henry VIII's letter to the Duke of Norfolk of 22 February 1537 and Norfolk's reply to the king of 24 February 1537, both from *Letters and Papers, Foreign and Domestic, Henry VIII*, vol. xii pt. 1, ed. James Gairdner (1890), nos. 479 and 498, together with the attached schedule of the condemned endorsed *Numero lxxiiij*, and Norfolk's letter to Cromwell of 21 February, no. 478. The *Letters and Papers* text is a calendar rather than a transcript: Gairdner abstracts, and reproduces original wording in places and

paraphrases in others, with passages he quotes directly set in inverted commas in his own text. That is stated here rather than concealed, and the quotations above follow the calendar's wording; the underlying royal letter also survives in *State Papers, Henry VIII*, vol. i, p. 537. The saving clause conceded by convocation in 1531 — *quantum per Christi legem licet* — is quoted in the Latin in which it was entered.

The sentence for which More is most famous, that he died the king's good servant but God's first, is **not** in Roper. It derives from other contemporary reports circulating shortly after the execution, survives in variant wordings, and is treated here as attributed rather than documented; it is referred to and deliberately not quoted.

Paraphrased and credited to modern scholarship: the machinery of the 1534 commissions and the administration of the oath, and the reconstruction of the treason enforcement of the 1530s, following G. R. Elton's *Policy and Police* above all, with John Bellamy on the Tudor law of treason; the debate over the insertion and construction of the word *maliciously* in the Treasons Act; the standard chronology of the Reformation Parliament's legislation; and the account of the Carthusian community's destruction, which rests substantially on the narrative of Maurice Chauncy, a survivor, and should be read as a martyrology by a participant rather than as a neutral record.

Contested figures are given as ranges. The clerical fine of 1531 is given as £100,000 from Canterbury and £18,840 from York, with the combined sum reported variously at about £118,000 or £119,000 and paid over five years. The total of executions arising from the northern risings is given at between about 178 and 216, with the breakdown into abbots, monks and parish priests differing between accounts and the number of abbots given as six or seven. The number of Carthusians who died in Newgate in 1537 is usually given as nine and derives from Chauncy. The figure of 72,000 executions in the reign originates with William Harrison in the 1570s, was carried into Holinshed, refers to hangings for felony under the whole criminal law rather than to political killing, and is not defensible; modern estimates of treason and heresy executions across the reign run to the hundreds, and the supremacy-related deaths before the risings to a few dozen. The population of England in the 1530s is usually put between two and three million. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 2

# Of Their Own Free and Voluntary Minds

*The settlement — how the church's wealth was actually held, the survey that made it visible, the fiction by which a lawful sovereign took it from living lawful owners, and what the buyers were required to give in return*

## The problem, stated as a conveyancer would state it

This is the module the study exists for, and it is worth beginning with the difficulty rather than the outcome, because the difficulty is what forced every distinctive feature of the operation.

A conqueror who wants land takes it and then invents a form of words. He has four families of words available and this collection has catalogued them: he can declare the ground empty, which suits him where he wants settlers on it; he can declare that a native elite already owns what he is in fact handing it, which suits him where he wants the elite bound; he can declare a collective holding partible into shares, which suits him where he wants a market and the country is visibly full of people farming it; or he can seat each of his own followers in the exact legal position of a named dead predecessor, which is the cheapest of all and available wherever the previous order wrote down who held what.

Henry could use none of them, and the reason in each case is the same fact seen from four angles. He was the lawful sovereign of the people he was taking from.

Vacancy was unavailable because the abbeys were visibly occupied, by named men, in a country where every neighbour knew who they were. Recognition was unavailable because he was not giving anybody anything. Divisibility was unavailable because monastic estates were not collective patrimonies awaiting partition; they were already single-owner holdings with clear titles, in many cases far better documented than the lay estates around them. And substitution was unavailable because it requires a predecessor who is dead or attainted, and the abbots of England in 1535 were alive, English, in lawful possession, subjects of the king, in many cases his own appointees' colleagues in the House of Lords, and in a good many places genuinely popular in the country around them.

There was a further and harder obstacle underneath all four, and it is the thing to fix before anything else. **A monastery could not be dissolved by anybody in England.** The corporation did not die; that was the point of it. Its lands were held in mortmain

— in the dead hand — precisely so that they could never come back out, and four centuries of English statute law on mortmain had been built to slow the flow *in*, with nothing whatever provided for a flow *out*. The only authority that had ever suppressed an English religious house was the pope, by licence, as recently as the 1520s when Wolsey had closed a couple of dozen small ones to endow his colleges.

So the position in 1535 was this. The king had, six months earlier, abolished the only authority that could lawfully do what he wanted done. He now had to do it himself, to living owners, without ceasing to be a lawful king. Everything that follows is the working-out of that problem, and the elaboration of the machinery is the measure of how hard it was.

## What the instrument found: not a thing, and not a relation

The framework requires that a settlement module state how the wealth was held before the instrument touched it, and say plainly whether the prior form was a *thing* — something that could be handed over — or a *relation between persons* which happened to be expressed in access to soil and therefore could not be sold, because there was nothing to hand.

Monastic land was neither, and that is the module's first finding.

It was not a relation in the sense this framework has met elsewhere — not office-land held at a king's pleasure, not lineage land held inalienably by a descent group, not collective tribal patrimony redistributed among households. The abbot of Glastonbury did not hold his manors because of his standing with a kin-group or a chief. He held them as the head of a corporation which owned them outright, in perpetuity, with deeds, boundaries, rentals, courts and a documented chain of title running back in some cases to before the Conquest.

But it was not a freely alienable thing either, and it could not be made one by any ordinary conveyance, because it was **charged**. The land was there for a reason stated in the original grants: it had been given so that prayers would be said. A man endowed a chantry so that a priest would sing for his soul; a family granted a manor so that a house would keep an obit for its dead; and the whole enormous accumulation rested on a consideration — a service, perpetually rendered, for the benefit of people who were no longer alive to release anyone from it.

That is a third form, and the framework should name it: **a perpetual endowment charged with a service.** Its distinguishing property is that it cannot be alienated by its holder, because its holder is not really the owner but the administrator of somebody else's intention. An abbot who sold his abbey's manors would not be selling his property; he would be defrauding four hundred years of dead benefactors.

Which sets the conversion the whole operation required, and it is a conversion this collection has not previously had to name. Not a relation into a thing. Not a subsistence household into a wage-earning one. **A trust into an asset.**

And the conversion had two halves that could not be separated. The corporation had to be extinguished, so that there was somebody to take from and nobody left to complain. And the charge had to be discharged, so that the taking was not visibly a robbery of the dead — which meant, in the end, attacking the doctrine that had made the charge meaningful in the first place. That second half is a subject in itself and is dealt with where it belongs; what matters here is that the property could not be moved without it, and that everyone involved understood this.

## First the survey, and the survey is not incidental

In January 1535 commissions went out into every county in England and Wales. Every clergyman, every parish priest, every head of a religious house, college, hospital and chantry was required to give sworn testimony to a local triumvirate of commissioners as to his income: lands, tithes, rents, offerings, pensions, fees, and the outgoings that might be deducted. The returns were collected, audited and abstracted over the following months. The result was the *Valor Ecclesiasticus*, and it is a Domesday performed for the second time on the same country, four hundred and fifty years later, by a government that needed to see the same thing William had needed to see.

Its immediate purpose was fiscal — the crown had just annexed to itself the first fruits and the tenths that had gone to Rome, and could not levy a tenth on an income it could not measure. But look at what it made possible, and the sequence becomes visible.

Fourteen months later parliament enacted that religious houses which did not have in lands, tenements, rents, tithes, portions and other hereditaments **above the clear yearly value of two hundred pounds** should come to the king.

That threshold is a number, and a number of that kind can only exist if somebody has counted. There was no way to draft that clause in 1534. There was a way to draft it in 1536, and the way had cost a year's work by several hundred commissioners. **The survey did not record the settlement; it made the settlement draftable.**

This is worth stating as a general refinement, because it runs the other way from the case this study is paired with. The Norman survey of 1086 came *after* the distribution: the land had been handed out over twenty years and the survey wrote down what had happened. Here the survey came *before*, because an insider cannot distribute first and record afterwards — he has to legislate, and to legislate he has to know the value. **Where the taker is a conqueror, expect the register to follow the settlement and**

**describe it. Where the taker is already the sovereign, expect the register to precede the settlement and enable it.** Which way round the two stand is a reliable tell of where the man was standing when he began.

## The visitation, and what came back to Cromwell

Beside the fiscal survey ran a second and quite different inquiry. In January 1535 the king appointed Thomas Cromwell his vicegerent in spirituals, and Cromwell — too occupied, the commission says, with the affairs of the whole kingdom — was licensed to visit the religious houses through deputies. The chief of them were Richard Layton and Thomas Legh, both civil lawyers. They began at Evesham on 1 August 1535, reached Bath on the 7th, worked west and then east and then north, met at Lichfield in December, reached York on 11 January 1536, and were still working when parliament assembled on 4 February.

What they sent back is the other half of this study's method: the statute preamble on one side, and on the other the letters that were arriving in Cromwell's in-tray while it was being drafted. Layton wrote from the west country in August 1535, and the letter survives in the state papers. In a modernised transcription it runs, in part:

> *It may please your goodness to understand that we have visited Bath where as we found the prior a right virtuous man, and I suppose no better of his cure a man simple and not of the greatest wit, his monks worse than I have ever found yet both in buggery & adultery some and of them having ten women some eight and the rest so fewer, the house well repaired but four hundred pounds in debt. At Farley cell to Lewes, the prior had but eight whores and the rest of the monks, some four, three, two as they might get them …*

The findings were abstracted into documents called *comperta* — things found — and a digest was laid before parliament in February 1536.

The reliability of this material has been fought over for a century and a half and the fight should be reported rather than resolved. Cardinal Gasquet's case, made in the 1880s and still in circulation, was that the visitors were tourists on a fixed schedule collecting scandal to order, that they visited some houses in an afternoon, that their findings are contradicted by other and better-informed commissions sent to the same houses months later, and that Layton's letter of June 1535 to Cromwell — in effect an application for the job — shows a man who had already decided what he would find. Against that stands the observation that houses did contain scandals, that the visitors were lawyers taking depositions rather than novelists, and that the recent recovery and analysis of the surviving *compendia* has produced a more complicated picture than

either side wanted. What is not disputed is that the numbers were used, that they were not published in full, and that no member of the Commons appears to have seen the underlying returns.

And here the module's asymmetry appears in its sharpest available form, which is not between a public document and a private one at all. It is *inside a single public document*, in consecutive sentences.

The Act of 1536 opens by condemning the small houses in language that has never been forgotten:

> *FORASMUCH as manifest sin, vicious, carnal and abominable living is daily used and committed among the little and small abbeys, priories, and other religious houses of monks, canons, and nuns, where the congregation of such religious persons is under the number of twelve persons, whereby the governors of such religious houses, and their convent, spoil, destroy, consume, and utterly waste, as well their churches, monasteries, priories, principal houses, farms, granges, lands, tenements, and hereditaments, as the ornaments of their churches, and their goods and chattels, to the high displeasure of Almighty God, slander of good religion, and to the great infamy of the king's highness and the realm, if redress should not be had thereof.*

And a page later, in the same preamble, it says the opposite about the large ones. The king, it says, considers

> *that divers and great solemn monasteries of this realm, wherein (thanks be to God) religion is right well kept and observed, be destitute of such full numbers of religious persons, as they ought and may keep …*

— and provides accordingly that the religious of the suppressed small houses shall be *committed to such honourable great monasteries of this realm wherein good religion is observed*, there to live religiously, for the reformation of their lives.

Read that as a legislative statement and it is unambiguous: the great abbeys of England are in good order, thanks be to God, and are to serve as the reformatories to which the inmates of the bad small ones will be sent to be improved.

Within three years every one of them was gone.

The gap is not hypocrisy discovered by a later historian. It is on the face of an Act of Parliament, in the crown's own drafting, with a date on it — and the crown's own agents were, that same winter, sending in the material on which the second and larger operation would be justified. The measure of virtue in the 1536 statute is not a moral

measure at all; it is a pecuniary one, drawn at two hundred pounds a year, and the line moved when it was convenient to move it.

## What the 1536 Act actually enacted, and the clause that gives the game away

The vesting words are worth having exactly, because they are the settlement in its plainest form. The king

> *shall have to him and to his heirs all and singular such monasteries, abbeys, and priories, which at any time within one year next before the making of this Act have been given and granted to his majesty by any abbot, prior, abbess, or prioress, under their convent seals, or that otherwise have been suppressed or dissolved … to have and to hold all and singular the premises, with all their rights, profits, jurisdictions, and commodities, unto the king's majesty, and his heirs and assigns for ever, to do and use therewith his and their own wills, to the pleasure of Almighty God, and to the honour and profit of this realm.*

Two things.

*To do and use therewith his and their own wills.* The land is not being taken into a trust, or annexed to the crown for the maintenance of religion, or applied to any stated purpose. It is being converted, in one clause, into an ordinary heritable fee simple, to be dealt with at absolute discretion. The charge is gone. That is the conversion of a trust into an asset, performed in fourteen words.

And *given and granted to his majesty by any abbot, prior, abbess, or prioress, under their convent seals*. This clause is retrospective; it regularises houses that had already been handed over in the year before the Act. Which tells you that the mechanism of the whole later operation — a signed and sealed conveyance by the holder — was already running in 1535, before any statute authorised the taking of anything. The Act did not invent the surrender. It confirmed surrenders that had already been obtained, and by confirming them it established that a conveyance by the holder was the form the thing would take.

In April 1536, a month after the Act, the crown created a new department of state to receive what was coming: the Court of Augmentations, with its own chancellor, treasurer, attorney, auditors and county receivers, modelled on the administration of the duchy of Lancaster. A government that expects a windfall builds an office for it. A government that builds an office of that size, staffed at that level, before the great

houses have been touched, is a government that expects considerably more than the lesser houses were going to yield.

## The surrenders

The lesser houses went in 1536 and 1537 — of some four hundred and more that fell below the line, rather over half were actually dissolved in 1536, a number of the rest buying exemption by fine, and those exemptions turned out to be worth what a stay of execution is generally worth.

Then, from the autumn of 1538, the operation was extended to everything, and it was extended without any statute authorising it. There was no Act permitting the suppression of the great houses until 1539, and the 1539 Act, when it came, did not authorise anything. It confirmed what had already been done.

The friaries went first. Richard Ingworth and John London worked through them in the autumn of 1538, and the wardens signed. The form used at several of the houses required the friars to confess, in English, that their whole manner of life had been a mistake. The London Greyfriars — the second Franciscan house founded in England, whose *studium* had once rivalled Oxford and had numbered William of Ockham among its members — surrendered on 12 November 1538, the warden Thomas Chapman and twenty-five friars signing a deed which declared that

> *the perfeccion of Christian liuyng dothe not conciste in … weryng of a grey cootte, disgeasing our selffe aftyr straunge fassions, dokynge, nodyngs and bekynge, in gurdyng our selffes wythe a gurdle full of knots, and other like Papisticall ceremonyes …*

The knotted girdle is the Franciscan cord, and its three knots are the vows of poverty, chastity and obedience. The men signing had worn it, most of them, for their entire adult lives.

The great houses followed. Some two hundred deeds of surrender survive in the augmentations records, most in Latin, drawn to a common form but — as the surviving originals show — written out on the spot by a clerk travelling with the commissioners, and then signed. Ford in Devon on 8 March 1539, by the abbot, the prior and twelve monks. Shaftesbury, one of the greatest and oldest nunneries in England, founded by Alfred, on 23 March 1539, the abbess Elizabeth Zouche having negotiated the pensions for herself and her nuns the day before she signed. Syon on 25 November 1539, by the abbess Agnes Jordan. Bury St Edmunds on 4 November 1539,

by Abbot John Reeve, Prior Thomas Ringstede and forty-two monks. Waltham, the last, on 23 March 1540.

What the signature bought was a pension, and the pensions were real. They were charged on the augmentations revenues, they were assessed by rank and by the terms negotiated at the surrender, and a great many of them went on being paid for thirty and forty years — Shaftesbury's nuns shared £431 a year between them, of which the abbess took £133 6s 8d. What refusal bought was set out with equal clarity in the instructions to the commissioners: those who would not surrender were to have the house, lands, jewels, plate, cattle and stuff taken from them, and no pensions at all.

Then, in April 1539, parliament confirmed the whole thing, and the preamble is the settlement's central fiction stated in its own words:

> *WHERE divers and sundry abbots, priors, abbesses, prioresses, and other ecclesiastical governors and governesses of divers monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places within this our sovereign lord the King's realm of England and Wales,* ***of their own free and voluntary minds, good wills and assents, without constraint, coaction, or compulsion of any manner of person or persons****, since the fourth day of February the twenty-seventh year of the reign of our most dread sovereign lord, by the due order and course of the common laws of this his realm of England, and by their sufficient writings of record, under their convent and common seals, have severally given, granted and by the same their writings severally confirmed all their said monasteries ...*

Free and voluntary minds. Good wills and assents. Without constraint, coaction, or compulsion of any manner of person or persons. By the due order and course of the common laws. Under their convent and common seals.

Nobody legislates the voluntariness of a genuine gift. The clause is there because everyone concerned knew exactly what the clause was for, and it is the single most useful sentence in this study for the general purpose of reading legal instruments: **a statute that goes out of its way to declare a conveyance uncompelled is telling you, in the only language available to it, that the conveyance was compelled.** The elaboration is the measure of the constraint.

## The parenthesis, and the three men in it

And then, in the operative part of the same Act, comes a short exception which the drafter could not avoid and which does more damage to the preamble than any pamphlet could:

*(except such thereof as be come to the King's Hands by Attainder or Attainders of Treason)*

There is a second route. The Act names it, in brackets, in the middle of a sentence about free and voluntary minds. And the reason it is there is that three men would not sign.

Hugh Cook, called Faringdon, abbot of Reading and a mitred lord of parliament, never produced a deed of surrender. He was taken to the Tower in the summer of 1539, attainted, and hanged, drawn and quartered before the gatehouse of his own abbey on 14 November 1539. Richard Whiting, abbot of Glastonbury — the richest house in England after Westminster — was tried at Wells, drawn on a hurdle up the Tor, and hanged, drawn and quartered on its summit on 15 November 1539, his head afterwards set over the abbey gate. John Beche, abbot of Colchester, was executed on 1 December 1539.

The charges were treason and are, on the surviving record, obscure; none of the three had publicly denied the supremacy, and Faringdon, as a peer, should in strictness have had an act of attainder. Their houses came to the crown all the same. By attainder, not by gift.

Set the two routes side by side and the settlement's actual architecture appears. Where the holder signed, the crown took by voluntary conveyance and the holder took a pension. Where the holder would not sign, the crown took by forfeiture and the holder was hanged. Both routes delivered the same land to the same office, and the same Act of Parliament names both in the same sentence — one in the preamble, at length and with adjectives, and one in a parenthesis.

That is not two policies. It is one policy with a stated alternative, and the alternative is what made the first one work. The pension and the hurdle were quoted at the same time, to the same men, by the same commissioners.

## The fifth family

Now the classification, which is this module's principal contribution to the framework.

The collection has catalogued four settlement fictions, each doing a different job, each reached for by a conqueror who wants a particular thing: **vacancy** for dispossession where he has settlers to seat; **recognition** for binding an elite by calling a grant a confirmation; **divisibility** for manufacturing a market where none existed; **substitution** for replacing a landholding class man by man where the prior order recorded who held what. There is a fifth, and this case is its cleanest instance.

**Surrender.** Manufacture the grounds, then have the holder convey. The job it does is precise and none of the other four can do it: *it takes property from a living, lawful, locally rooted owner without the taker becoming a conqueror.*

Its preconditions are narrow, which is why it is rare.

The taker must already be the lawful sovereign of the person he is taking from — because the whole mechanism runs on the fact that refusal can be made a crime, and only a sovereign can make refusal a crime against himself. A foreign conqueror can kill a man who refuses him, but he cannot make the refusal *unlawful*, and so he cannot make the resulting conveyance look like a gift.

The holder must be capable of conveying — a corporation with a seal, or an individual with a title. Where the property is held by a diffuse community with no head, there is nobody to sign, and the fiction is unavailable.

And there must be an information instrument first, because the grounds have to be manufactured before they can be pleaded, and a threshold cannot be drafted without a valuation.

Its diagnostic tells are three, and they travel to other cases. Look for **a signed instrument from the dispossessed** — the deed, the mark, the seal, the subscription list. Look for **a statute declaring the absence of compulsion**, which is the fiction announcing itself. And look for **the exception clause naming the alternative route**, because there will be holders who refuse, and whatever the state did to them will be in the Act, briefly, in brackets.

Its supreme virtue is durability, and this is why it was worth all the trouble. A seizure can be reversed by a later sovereign who declares it unlawful. A gift cannot, because to unwind it you must impeach the free will of the grantor — and the grantor has signed, and sealed, and taken a pension, and in most cases is dead. The statute forecloses the argument in advance by putting the absence of compulsion on the face of the record. When, twenty years later, a Catholic queen and a papal legate came to reverse the whole religious settlement of England, this was the one thing they could not touch, and the reason they could not touch it is written into the preamble of 1539.

Its cost is the elaboration. A conqueror's fiction is a clause. This one required a national survey, a national visitation, a set of moral findings, two Acts of Parliament, a new court of record with its own staff of auditors and receivers, some two hundred signed and sealed deeds, a schedule of pensions charged on the revenue, and three abbots hanged. All of that is the price of not being a conqueror, paid by a man who could not afford to be one.

## What the buyers were asked to give

The crown did not keep it. Grants and sales began almost immediately and accelerated through the 1540s as the French and Scottish wars ate the proceeds. The Court of Augmentations handled the disposals, and in the 1540s it worked almost invariably on a standard basis of twenty years' purchase — the buyer paying twenty times the assessed annual value, which is close to the ordinary commercial rate of the day and not a giveaway. Some grants were outright gifts to servants and courtiers; the great majority of transfers were sales, and a good many were sales to men who had first taken the property on lease and then bought the freehold.

By Henry's death in January 1547 something in the region of two-thirds of the monastic land had passed out of the crown's hands. The total realised across the whole period is often put at something like a million and a third in money, though the figure is reconstructed rather than counted and should be carried loosely. The buyers were peers and courtiers, but far more of them were county gentry, lawyers, and merchants; in Devon, on one detailed county study, well over half the monastic land was bought by local gentlemen. It was, by a long way, the largest land market England had ever had, in a country where perhaps two-thirds of all land was still held by customary tenure and where a great estate was ordinarily locked up in entail and could not be sold at all.

Now the question the framework insists on asking of every settlement, because the answer is the most diagnostic fact in the module: **what did the grantee owe in return?**

The medieval European answer was **armed service**. Land in exchange for a stated number of mounted men when summoned — the bargain William imposed on England, and the bargain that put a permanent civil-war risk into the same clause that solved the coordination problem, because a king whose army is the sum of his barons' retinues has armed the men who may one day remove him.

The modern colonial answer was **political compliance**. Land, office and salary in exchange for collecting the taxes and keeping the district quiet, with the military clause deliberately deleted and the capacity for organised violence stripped by the same government in the same decade.

Henry's answer was neither. **The consideration was money.**

The buyer of a dissolved priory owed the crown nothing at all after completion. No service, no muster, no attendance, no undertaking of loyalty, no clause of any kind. He had paid twenty years' purchase to a lawful vendor and received a fee simple, and the transaction was closed.

At first sight that looks like a failure of statecraft — a settlement that binds nobody. It is the opposite, and seeing why is the whole point.

A grant creates gratitude, and gratitude is a wasting asset. It decays across a generation, it can be argued about, and the man who received it can be told, by a later sovereign, that what was given may be taken. A grant in exchange for service creates a continuing relation, and a continuing relation can be renegotiated, or breached, or refused.

A purchase creates none of those things, and creates something better. The buyer does not owe the king anything, and precisely because he owes nothing he cannot be told he owes anything. What he has is a title — and the title is good *only if the Acts are good*. If the supremacy falls, the surrenders were made to a usurper; if the surrenders were extorted, the conveyances are void; if the conveyances are void, the abbey lands revert to a corporation that never lawfully ceased to exist, and the man who paid four thousand pounds for a Yorkshire grange in 1543 owns nothing.

Put the framework's standard question to him — *if this arrangement collapsed tomorrow, would you be better or worse off?* — and he does not merely answer worse. He can name the sum. It is written on his deed.

That is a defender who requires no doctrine, no oath, no persuasion and no supervision. He need not believe a word of the royal supremacy. He needs to keep his land.

## Reading the settlement against the framework

Four things this case gives back, of which the first is the study's central claim and the fourth is the one to watch.

**A fifth settlement fiction, and it belongs on the card.** *Surrender* — manufacture the grounds, then have the holder convey. It exists because the four documented fictions are all conquerors' instruments and none can operate against a living lawful owner who is the taker's own subject. Its preconditions are lawful sovereignty over the holder, a holder capable of conveying, and a prior survey. Its tells are a signed instrument from the dispossessed, a statutory declaration that there was no compulsion, and an exception clause naming the route used against those who refused. Its virtue is that a gift cannot be reversed as a seizure. Its cost is an elaboration so large that the elaboration itself becomes the evidence of the constraint.

**Legibility precedes the fiction where the taker is an insider, and follows it where he is a conqueror.** The threshold of two hundred pounds could not have been written before the *Valor* and was written fourteen months after it; whereas the survey that recorded the Norman settlement came twenty years after the distribution it described. Both are surveys of the same country by governments doing the same thing, and the order is reversed, for a reason that follows directly from the sequence problem

this study has already identified: a conqueror distributes and then records, because his authority to distribute is his sword; an apex must legislate before he can take, and cannot legislate a value he has not measured.

**The consideration is a third family beside armed service and political compliance, and it is the strongest of the three.** *Purchase.* Where service leaves a rival with a retinue and compliance leaves a dependant with a title, purchase leaves a stranger with a receipt — and a receipt is the most durable stake of all, because it creates an interest in the *legislation* rather than in the *legislator*. The buyer's loyalty is not to Henry and does not pass to Henry's heir; it is to the statute book, and it will therefore survive Henry, survive his heir, and survive a change of religion, which is exactly what it did.

**And the conversion performed was of a kind this collection has not previously had to name: a trust into an asset.** Neither a relation made into a thing nor a subsistence household made into a wage-earning one, but a perpetual endowment charged with a service, stripped of its charge and reissued as an ordinary heritable fee — *to do and use therewith his and their own wills*. The instrument that did it was fourteen words in a statute. But the fourteen words could only stand if the service they discharged was worthless, and the service was prayer for the dead. Which means that this settlement, uniquely among those the collection has examined, could not be completed without an attack on a doctrine. A conqueror who takes land does not have to change what anybody believes. A sovereign who takes an endowment must destroy the belief that created it, or the theft remains visible in every parish where somebody's grandfather paid for the masses.

Two disciplines to close.

The first is against reading the surrenders as pure farce. They were coerced, and the statute's protestation that they were not is a lie in the plainest sense. But within the coercion there was real negotiation and it should be recorded: heads of houses bargained over pensions and sometimes bargained well, the abbess of Shaftesbury securing her community's terms the day before she signed; the pensions were paid, and paid for decades, out of a revenue stream the crown maintained for the purpose; a number of religious were glad enough to go, and some had been trying to leave for years. A great many of the men and women who signed were making the calculation that anyone in their position makes, which is that a pension and a life are worth more than a gesture, and there is nothing contemptible in it. Three of them made the other calculation and were killed for it, and there is nothing contemptible in that either.

The second is against reading the buyers as villains. They were not looting. They were buying land at something close to the market rate, from a vendor with a title

conferred by Act of Parliament, in transactions drawn by lawyers and enrolled in a court of record — which is what buying land consists of, and is what their descendants would do in every generation afterwards without anyone thinking it remarkable. That is precisely the point and it is the uncomfortable one. The most effective thing the crown did with the wealth of the English church was not to keep it, or to give it away, or to endow anything with it. It was to sell it, at a fair price, to several thousand ordinary men who then had a perfectly ordinary commercial reason to want the Reformation to be permanent.

*A note on sources.* Quoted exactly from public-domain primary texts: the preamble and vesting clauses of the Act for the Dissolution of the Lesser Monasteries, 1536 (27 Hen. VIII c. 28), including the condemnation of the little and small abbeys, the passage on the *great solemn monasteries of this realm, wherein (thanks be to God) religion is right well kept and observed*, and the words *to have and to hold … to do and use therewith his and their own wills*, from the text as printed in the *Statutes of the Realm* and in Hardy's *Documents Illustrative of English Church History*; the preamble of the Act for the Dissolution of the Greater Monasteries, 1539 (31 Hen. VIII c. 13), at the passage *of their own free and voluntary minds, good wills and assents, without constraint, coaction, or compulsion of any manner of person or persons*, together with the operative exception for houses come to the king's hands *by Attainder or Attainders of Treason*; the surrender formula subscribed by the warden and friars of the London Greyfriars on 12 November 1538, in the original spelling, on the perfection of Christian living, the grey coat and the *gurdle full of knots*; and Richard Layton's letter to Cromwell of August 1535 reporting his visitation of Bath and Monkton Farleigh, quoted from the modernised transcription of the state-paper original (SP 1/95) published by the National Archives.

Paraphrased and credited to modern scholarship: the making and reliability of the *Valor Ecclesiasticus*, following Savine's analysis and later work; the visitation of 1535–36, the *comperta* and the lost *Breviarium*, where the long controversy between Cardinal Gasquet's case for wholesale fabrication and the more sceptical modern readings is named rather than resolved, and where recent work on the surviving *compendia* has complicated both positions; Joyce Youings on the deeds of surrender and on the market for monastic property, from whom the account of the Ford Abbey deed of 8 March 1539 as a common-form document written on the spot is taken; H. J. Habakkuk on the land market and on the Court of Augmentations' use of twenty years' purchase in the 1540s; G. W. Bernard on the drafting of the surrender confessions by the king's councillors; and the county studies on the composition of the buying class.

Contested figures are given as ranges and several should be held loosely. The number of houses falling below the £200 line in 1536 is usually given as somewhat over four hundred, of which rather more than half were actually dissolved that year, a number of the remainder purchasing exemption by fine. The proportion of monastic land alienated by the crown by Henry's death is conventionally put at about two-thirds and is an estimate, not a count. The total realised from monastic property between 1536 and 1547 is often given at something in the region of £1.3 million and is a reconstruction. The surviving deeds of surrender at the National Archives number rather over two hundred, which is not the number of houses dissolved. Monastic annual income is variously reported and is treated at length elsewhere in this study; the figures around £130,000–£165,000 gross should be read with the caveats attaching to the *Valor* itself. The charges on which the abbots of Reading, Glastonbury and Colchester were executed are obscure on the surviving record, and the accounts of their trials come substantially from later and partisan sources; the dates of their deaths — 14 November, 15 November and 1 December 1539 — are secure. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 3

# Divers Sundry Old Authentic Histories and Chronicles

*The robe — a theory of the crown researched before it was needed, published in statute preambles, written in the grammar of restoration so that a revolution would read as a repair, and cut for four audiences of which the English parish was not one*

## The robe survives in its own drafting

Most of the cases in this collection require the robe to be reconstructed. The story an order tells about itself is generally scattered — a chronicler here, a foundation legend there, a phrase in a charter, a sermon preached at a coronation — and the analyst assembles it, always with the risk that he is assembling something that was never as coherent in life as it becomes on the page.

That problem does not arise here, and its absence is the reason this case is worth the collection's attention. The Henrician robe exists as a single continuous legislative corpus, drafted by a government department, argued through two houses of parliament over seven years, enrolled on the statute roll, printed, distributed to the justices, and read aloud in the shires. It is the most fully documented legitimating story in this collection and possibly the most fully documented in European history before the eighteenth century, and it is public domain in every word.

It also has a house style, and the house style is the finding. Every act in the sequence says the same three things in the same order. *This has always been so. An abuse crept in. We are removing the abuse.* Not one of them says that anything is being created, conferred, granted, established or changed. The most radical rearrangement of authority in English history since 1066 was written, from first to last, in the grammar of a repair.

## What had to be established, and what could not be

Begin with the drafting problem, because everything about the robe follows from it.

In 1531 the king needed one thing: an annulment. He could, in principle, have had it by a short statute — an act declaring the marriage with Catherine void, or an act authorising the archbishop of Canterbury to determine it. A proposal along the second

of those lines was in fact considered. It was set aside, and what replaced it was a comprehensive constitutional claim about the nature of the realm of England.

The reason is worth stating carefully, because it is easy to read the escalation as ambition and it was very largely the opposite.

A special statute setting aside a papal dispensation would have been an act of usurpation with a date on it. Everybody would have seen a king using parliament to overrule a jurisdiction he had until that morning acknowledged; his daughter's legitimacy would rest on an act which could be repealed by a later parliament; and every man in England who held anything under a papal dispensation — and a great many did, for marriages within the prohibited degrees, for pluralities, for exemptions — would understand that his own title was now negotiable. The special case is the expensive route. It converts the king into a man who changes the law when it inconveniences him, which is precisely the description he cannot survive.

A general proposition costs more to establish and is far cheaper to hold. If the realm of England has always been an empire, subject to no external jurisdiction, then no papal dispensation was ever valid here in the first place, no power is being seized because none was ever lawfully surrendered, and the marriage falls out as a mere consequence of a constitutional fact rather than as the object of the exercise.

Which imposes the constraint that shapes the whole robe: **he could not claim novelty.** Not from modesty — from arithmetic. A king who says he has changed the constitution has said that the constitution is changeable by kings, and every title in England descends from the crown. There was to be no new power. There was only to be recovery of an old one that had been obscured.

## The research came first: the *Collectanea*, 1530

In August 1529, with the legatine court at Blackfriars just collapsed, the king's party moved to Waltham in Essex. Two men in the entourage — Edward Foxe and Stephen Gardiner — fell into conversation with a Cambridge don named Thomas Cranmer, who suggested abandoning the case at Rome and canvassing the universities of Europe instead. The suggestion reached the king, who liked it.

What grew out of it over the following year was not a canvass but a research programme. Foxe coordinated it; Cranmer worked on it in London at the Boleyns' house at Durham Place; the Italian friar Nicholas de Burgo was involved. Manuscripts were fetched out of monastic libraries and deposited in the royal library. And in the summer of 1530 the king was presented with a compilation called the *Collectanea satis copiosa* — the sufficiently abundant collections.

Its argument was that the kings of England had never had a superior on earth; that the church in England was an autonomous province; and that spiritual as well as temporal jurisdiction within the realm belonged to the crown. Its materials were scripture, conciliar decrees, Anglo-Saxon laws, Roman law, and the English chroniclers — Bede, William of Malmesbury, Matthew Paris, and Geoffrey of Monmouth.

The manuscript survives, and it survives covered in the king's own annotations. He read it closely and he read it delighted. Whatever else is uncertain about Henry's interior life, the *Collectanea* is evidence that he wanted to be told he was right and that when he was told he believed it.

Two things about this document govern everything that follows.

**The first is that a great deal of it was perfectly genuine, and the study must say so.** There *was* an English tradition of resisting Roman jurisdiction and it was four centuries old and had real statutes in it. The Constitutions of Clarendon; the Statutes of Provisors; the three Praemunire statutes, the last of which declared in 1393 that the crown of England had never been in earthly subjection; the recurrent parliamentary complaints about provisions and annates. Foxe and Cranmer did not have to invent a strand. They had to find one, and it was there, and they found it. What they then did was to select it, amplify it, and make it carry a weight it had never carried — because none of those medieval statutes had ever denied the pope's *spiritual* jurisdiction, and the lords spiritual had entered a protestation in 1393 reserving exactly that point.

**The second is that the earliest and most decisive item in the file was a fabrication, and one that was already under attack.** The keystone was a letter said to have been written by Pope Eleutherius in the second century to a British king called Lucius, in which the pope tells the king that he has no need of Roman law, because he is already God's vicar in his own kingdom. If that letter is authentic, the case is closed before it opens: the independence of the British crown in spiritual matters is conceded by a pope four hundred years before Augustine ever landed in Kent. It went into the *Collectanea*, and its substance went into the preamble of an Act of Parliament in 1533.

Lucius exists in Bede and flowers in Geoffrey of Monmouth's twelfth-century *History of the Kings of Britain*, a book which also gives England a Trojan founder and King Arthur's conquest of Rome. And by 1530 the king had in his own service an Italian scholar, Polydore Vergil, who had been at work for two decades on a history of England which treated Geoffrey's British material as fable.

So the load-bearing historical proof of the English Reformation was, at the moment it was drafted into statute, publicly doubted by the crown's own historiographer.

This should be stated without sneering, because the sneer would miss what the episode actually demonstrates. The men who compiled the *Collectanea* were not

frauds. They were scholars working in the manner of their generation, which was to gather authorities rather than to weigh them, and the corrosive philological criticism that would dissolve the Donation of Constantine and King Lucius together was new, foreign and not yet standard equipment. But the structural point stands regardless of anyone's sincerity, and it generalises:

**A robe does not need to be true. It needs to be citable.** What a preamble requires is a source that can be named — *divers sundry old authentic histories and chronicles* — not a source that would survive a seminar. The test a legitimating claim has to pass is not evidential but institutional: can it be put in a document that a court will read?

And note the date. The *Collectanea* was presented in the summer of 1530. Nobody in 1530 was planning to take the monasteries. The theory was assembled to end a marriage, and it was finished six years before it was spent on a quarter of the country.

## 1533: the empire clause

The Act in Restraint of Appeals received the royal assent in the first week of April 1533. Cromwell drafted it, over a long gestation reaching back into 1532. Its opening is the most quoted sentence in English constitutional history and it deserves to be read entire rather than in the fragment everyone knows:

> *WHERE by divers sundry old authentic histories and chronicles, it is manifestly declared and expressed, that this realm of England is an empire, and so hath been accepted in the world, governed by one supreme head and king, having the dignity and royal estate of the imperial crown of the same, unto whom a body politic, compact of all sorts and degrees of people, divided in terms, and by names of spiritualty and temporalty, be bounden and ought to bear, next to God, a natural and humble obedience: he being also institute and furnished, by the goodness and sufferance of Almighty God, with plenary, whole, and entire power, pre-eminence, authority, prerogative and jurisdiction …*

Take the sentence apart and every clause is doing work.

*Divers sundry old authentic histories and chronicles.* The authority is historical, not scriptural and not rational. The claim is not that the king ought to be supreme; it is that he has been found, on the record, to be so. *Old* and *authentic* are the two adjectives the whole revolution hangs from.

*Is an empire, and so hath been accepted in the world.* Present tense, and a perfect that reaches backwards indefinitely. Not *shall be*. Not *is hereby declared to be*. An *empire*, in the technical sense of the word then current, is a jurisdiction that acknowledges no superior — the word is doing legal work, not rhetorical.

*A body politic, compact of all sorts and degrees of people, divided in terms, and by names of spiritualty and temporalty.* This is the sentence that abolishes the second kingdom named in this study's opening landscape. Simon Fish had complained in 1529 that of one kingdom had been made two. The Act of 1533 makes the two into one again by an act of definition: there is a single body politic, and the spirituality and the temporality are merely two names for parts of it. That is the whole quarrel resolved in a subordinate clause.

The Act goes on to describe the two jurisdictions as conjoining together in the due administration of justice, *the one to help the other* — a reassuringly co-operative formula which will not survive the decade — and then enacts the operative provision: that all causes testamentary, causes of matrimony and divorces, rights of tithes, oblations and obventions shall be heard and finally determined within the king's jurisdiction *and not elsewhere*, any foreign inhibitions, appeals, sentences, summons, citations, suspensions, interdictions, excommunications or restraints from the see of Rome notwithstanding.

And then it comes to the penalty, and the penalty is the loop of this whole study closing:

> *that then every such person or persons so doing, refusing, or offending contrary to the true meaning of this Act, their procurers, fautors, advocates, counsellors, and abettors, and every of them, shall incur into the pains, forfeitures, and penalties ordained and provided in the said statute made in the said sixteenth year of King Richard II.*

The most radical statute of the English Reformation does not create its own penalties. It borrows them from 1393. The Act that declares England an empire enforces itself by cross-reference to a fourteenth-century statute against sending pleas to Rome — the same statute that had destroyed Wolsey in 1529 and would be turned on the whole clergy in 1531. Nothing new; only recovery. The drafting is consistent all the way down to the sanctions clause.

The machinery ran within weeks. Cranmer, consecrated archbishop in March, opened a court at Dunstable and on 23 May pronounced the marriage with Catherine void. Anne was crowned on 1 June. Elizabeth was born on 7 September.

## 1534: *is and ought to be*

The Act of Supremacy followed in the autumn of 1534, and its first sentence is the purest specimen of the insider's grammar that this collection has found anywhere:

> *Albeit the king's Majesty justly and rightfully is and ought to be the supreme head of the Church of England, and so is recognized by the clergy of this realm in their convocations, yet nevertheless, for corroboration and confirmation thereof, and for increase of virtue in Christ's religion within this realm of England, and to repress and extirpate all errors, heresies, and other enormities and abuses heretofore used in the same, be it enacted, by authority of this present Parliament, that the king, our sovereign lord, his heirs and successors, kings of this realm, shall be taken, accepted, and reputed the only supreme head in earth of the Church of England, called Anglicana Ecclesia ...*

*Albeit. Yet nevertheless. For corroboration and confirmation thereof.*

The statute opens by denying that it is doing anything. The king is already supreme head; the clergy have already recognised it; parliament is merely confirming, for the avoidance of doubt, a state of affairs which obtains independently of parliament's opinion of it. This is not a grant. It is a declaration that no grant is needed — which is why the same statute could afterwards be described, by lawyers as eminent as Fitzherbert and Coke, as merely declaratory of the ancient common law of England.

Two further features of the drafting are decisive and are easy to read past.

**The saving clause is gone.** In 1531 the convocations had conceded the title with a qualification — supreme head *quantum per Christi legem licet*, as far as the law of Christ allows — and that qualification was the entirety of the English church's resistance, a lawyer's escape hatch which reserved the possibility that the law of Christ allowed nothing at all. In the Act of Supremacy there is no qualification whatever. The escape hatch has simply not been reproduced, and the statute recites the convocations' recognition as though it had been unconditional.

**And the supremacy is annexed to the crown, not to the man.** The king *and his heirs and successors, kings of this realm*, shall have and enjoy the title *annexed and united to the imperial crown of this realm*. This is the clause that converted a personal victory into a piece of heritable property, and it is the clause that made the arrangement outlive its author. Along with it went the visitatorial power: full authority to visit, repress, redress, order, correct, restrain and amend all errors, heresies, abuses, offences, contempts and enormities which by any manner of spiritual authority might lawfully be reformed. That sentence is the legal source of the visitation of the monasteries, which began fourteen months later.

## The promise the robe kept repeating, and what it tells you about the audience

Beside the assertions ran a set of disclaimers, and the disclaimers are the most useful part of the corpus for the purpose of working out who it was written for.

The Act concerning Peter's Pence and Dispensations of 1534 states the imperial claim in its most compact form — that the king's realm, *recognising no superiority under God, but only your Grace, hath been, and is, free from subjection to any man's laws, or to the observance of laws of any foreign prince or prelate.* Note again the tense: *hath been, and is.*

And then, in the same act, the proviso:

> *Provided always, that this Act, nor any thing or things therein contained, shall be hereafter interpreted or expounded, that your grace, your nobles and subjects, intend, by the same, to decline or vary from the congregation of Christ's Church in any things concerning the very articles of the Catholic faith of Christendom, or in any other things declared, by Holy Scripture and the word of God, necessary for your and their salvations, but only to make an ordinance by policies necessary and convenient to repress vice, and for good conservation of this realm in peace, unity, and tranquillity.*

Nothing here touches the faith. The realm remains inside the congregation of Christ's Church, holding every article of the Catholic faith of Christendom. What is being removed is a *jurisdiction* — an administrative usurpation, a matter of policy rather than of belief.

That promise is not addressed to Rome, which will not believe it. It is not addressed to the ploughman, who will not read it. It is addressed to the men who had to vote for it: peers, bishops, abbots, knights of the shire and burgesses, a great many of whom were entirely willing to stop money going to Italy and entirely unwilling to be made Lutherans. The robe is legislating a schism while promising in the same breath that it is not a heresy, and the promise is there because without it the bill does not pass.

By 1536 the register has changed, and the change is the year's other event. The Act extinguishing the authority of the bishop of Rome abandons the constitutional voice for a polemical one, opening on *the pretended power and usurped authority of the bishop of Rome, by some called the pope*, who — in the words of the preamble as reproduced in the standard nineteenth-century accounts — *did obfuscate and wrest God's holy word and testament a long season from the spiritual and true meaning thereof to his worldly and carnal affections*. The penalty for defending that authority by writing, ciphering, printing, preaching, teaching, deed or act is, once again, praemunire; and an oath of

abjuration is imposed on all officers ecclesiastical and temporal, requiring them to utterly renounce, refuse, relinquish and forsake the bishop of Rome and all his authority.

That act received the royal assent in July 1536. The Act for the dissolution of the lesser monasteries had received it four months earlier. The robe reached its most aggressive register in exactly the year the taking began, which is the correlation one would expect and which the framework predicts: the story gets louder at the moment the property moves.

## Who the robe was cut for

The framework predicts, for a colonial case, a *reversed* robe: cut for the metropole and the army whose belief funds and mans the conquest, rather than for the conquered whose belief the floor does not require. The prediction cannot apply here in its own terms — there is no metropole and there are no conquered. But the underlying rule survives the transposition, and restating it generally is one of this module's contributions.

**The robe is cut for whoever's assent is structurally required, and for nobody else.** In a colony that is the taxpaying public at home. Here it is four audiences, and each can be identified from the drafting.

**Parliament**, because the Acts had to pass, and until the abbots left the Lords in 1540 the spiritual peers together were at least the equals in number of the temporal. Hence the constitutional voice rather than the theological one; hence the promise that the articles of the Catholic faith are untouched; hence the framing of every measure as the correction of a financial abuse — annates demanded *only for lucre*, exactions that have *greatly decayed and impoverished* the king's subjects — which is a register the Commons had been speaking in since 1529 and could be relied on to vote for.

**The clergy**, because a claim of this kind is worthless unless it is repeated weekly from ten thousand pulpits, and because the men who must repeat it are the men whose institution is being dismantled. The whole apparatus of injunctions, bidding prayers, prescribed sermons and erased service books belongs to the next stage of this study, but the statutes were drafted knowing what would have to be preached out of them.

**The buyers**, and this is the audience the framework would most easily miss. A gentleman who has paid twenty years' purchase for a dissolved priory owns a piece of paper whose value depends entirely on the statutes being good. If the supremacy is a usurpation, his vendor had no title. The robe is, among other things, the warranty on several thousand conveyances, and its permanence is a commercial interest of several thousand families.

**And Europe**, because a king who has broken with Rome must be a reformer rather than a bigamist, and the case had to be made in Latin to an international readership. Foxe published *De vera differentia regiae potestatis et ecclesiae* in 1534, built directly on the materials of the *Collectanea*. Gardiner followed with *De vera obedientia* in 1535. The universities of Europe had been canvassed for determinations from 1530 onwards. This is a diplomatic literature as much as a domestic one.

Now the absence, which is the sharpest thing in the module.

**Nothing in the entire statutory corpus is addressed to the ordinary parishioner.** He is legislated about at enormous length and legislated to not at all. He is not asked, not consulted, not persuaded and not reassured. The acts assume him as an object — the subjects who have been impoverished by exactions, the people whose souls require the increase of virtue in Christ's religion — and never once as an audience whose belief matters.

That is precisely the colonial signature transposed inward. The robe is cut for those whose belief the order needs and withheld from those whose belief it does not. The men whose consent was needed were the men who sat in parliament, preached in pulpits, signed conveyances and reported to foreign courts. The men whose consent was not needed were the men who lit candles in front of images their grandfathers had paid for.

In October 1536 thirty thousand of them assembled in arms in Yorkshire under a banner of the Five Wounds of Christ, and the government discovered what it costs to have written a robe with a hole in the middle of it.

## Reading the robe against the framework

Four things this case gives back, and the first is general enough to travel to every study in the collection.

**The insider's robe is written in a different tense from the conqueror's, and the tense is the diagnostic.** A conqueror's robe asserts novelty and legitimates it from outside the order: God gave the victory, the rightful heir was cheated of his due, the previous holder forfeited by his crimes. It says *something has happened, and here is why it was right.* An insider's robe asserts that nothing has happened at all. *Is and ought to be. So hath been accepted in the world. Hath been, and is. Divers sundry old authentic histories.* The pope's authority was *pretended* and *usurped*; therefore removing it is not a change but a restoration, and no new power has been created by anyone.

The reason is structural rather than stylistic. A conqueror's authority comes from outside the order and he loses nothing by admitting that he changed it. An insider's authority *is* the order; a claim to have changed it is a claim to stand outside it, which is

the one position he cannot occupy and survive. So the rule to carry: **where a founding document works hard to establish that nothing new is happening, the thing being done is very new indeed, and the labour of establishing continuity is a measure of the discontinuity.** It is the same relation the settlement module found between the elaborateness of a fiction and the strength of the constraint it was built to get round.

**The robe is cut for whoever's assent is procedurally required, and the disclaimers name them.** This generalises the collection's colonial finding rather than contradicting it. Read what a legitimating text goes out of its way to promise it is *not* doing, and you have identified the audience it fears: here, a parliament that would vote for a schism and not for a heresy. Read who is never addressed at all, and you have identified the population whose belief the order has decided it can do without. In this case those were the same people who paid the tithe, and the omission was not an oversight but a correct assessment of where power lay — correct, that is, until the autumn of 1536.

**A robe manufactured for one purpose becomes general-purpose capital, and this bends the framework's ordering a second time.** The collection has generally treated the legitimating story as something fitted over a taking that has already happened. Here it preceded the taking by six years and made the taking thinkable. The *Collectanea* was compiled in 1530 to dissolve a marriage; it says nothing whatever about abbey lands. But the theory it assembled carried, as an unnoticed consequence, the visitatorial power over religious houses; the visitatorial power produced the visitation; the visitation produced the *comperta*; and the *comperta* produced a preamble. Nobody planned that chain in 1530. **A robe is an asset, and an asset can be spent on things its makers never contemplated.** Where the robe comes first, the analyst should ask not only what it was built to justify but what else it happens to authorise, because somebody is going to notice.

**And a robe does not have to be true; it has to be citable.** The keystone document of the English imperial claim was a letter from a second-century pope that had reached England through a twelfth-century romance, and the crown's own Italian historiographer had already treated that romance's British material as fable. The claim went into an Act of Parliament regardless, and the Act held for four centuries. The test a legitimating claim must pass is not evidential but institutional: it needs a name a preamble can invoke and a document a court will read. That is a lower bar than truth and a different one, and confusing the two is the commonest error in reading founding texts.

Two disciplines to close, and both cut against the easy reading.

The first is against treating the drafters as cynics. There genuinely was an English tradition of resisting Roman jurisdiction; it was four hundred years old; it had real statutes in it, one of which had declared in 1393 that the crown of England was subject to God and to none other, and had been enacted on the Commons' own petition with an undertaking to live and die by it. Foxe, Cranmer and Gardiner did not fabricate a tradition. They found one, selected within it, and made a genuine strand bear a weight it had never borne — which is what advocates do, and what an honest account should call it. Whether Henry believed the *Collectanea* is not recoverable and probably not the interesting question; the annotations suggest a man who read it hungrily, and men who want to be told they are right generally believe the person who tells them.

The second is against the mirror error, which would take the genuineness of the materials as evidence for the conclusion. It is not. England had been in the Roman obedience for nine centuries; every bishop in the realm had received bulls from Rome; the lords spiritual had in 1393 expressly reserved the pope's spiritual jurisdiction while conceding his temporal claims; and everybody involved knew all of this perfectly well. The claim that no power had been surrendered because none had ever lawfully existed was a legal fiction. It should be named as one — which is not the same as calling it a lie, and not the same as calling it worthless. It was a fiction that a great many intelligent people found they could live inside, and within two generations it was simply what the English believed about themselves.

Which is the recursion arriving on schedule. The imperial claim of 1533 was built out of a forged letter and a Welsh romance in the service of a marriage. By 1600 it was the furniture of reality, held by people who had never heard of Edward Foxe, and it was as real to them as the Roman obedience had been to their great-grandparents. That a thing was built does not stop it becoming true in the only sense that matters for how people live.

*A note on sources.* Quoted exactly from public-domain primary texts: the preamble and operative and penal clauses of the Act in Restraint of Appeals, 1533 (24 Hen. VIII c. 12) — the empire clause, the body politic compact of all sorts and degrees, the two jurisdictions conjoining *the one to help the other*, and the cross-reference of penalties to the statute of the sixteenth year of Richard II; the opening of the Act of Supremacy, 1534 (26 Hen. VIII c. 1), at *Albeit the king's Majesty justly and rightfully is and ought to be the supreme head* through *annexed and united to the imperial crown of this realm*, together with the visitatorial clause; the Act concerning Peter's Pence and Dispensations, 1534 (25 Hen. VIII c. 21), for *recognising no superiority under God, but only your Grace, hath been, and is, free from subjection to any man's laws* and for the proviso beginning *Provided always, that this Act ... shall be hereafter interpreted or*

*expounded* and running through *peace, unity, and tranquillity*; and the Act extinguishing the authority of the bishop of Rome, 1536 (28 Hen. VIII c. 10), for *the pretended power and usurped authority of the bishop of Rome, by some called the pope*, for the offences of holding or defending that authority *by writing, ciphering, printing, preaching or teaching, deed or act*, and for the oath of abjuration to *utterly renounce, refuse, relinquish or forsake the bishop of Rome and his authority, power and jurisdiction*. Statute texts follow the *Statutes of the Realm* as reproduced in the standard document collections; readers should be aware that the printed texts vary in spelling and in minor wording between editions, that the 1533 Act is variously cited as of 1532 or 1533 because the legal year began on 25 March, and that the *obfuscate and wrest God's holy word* passage from the 1536 preamble is given here as reproduced in nineteenth-century public-domain form rather than from a modern critical text.

Paraphrased and credited to modern scholarship: the compilation and contents of the *Collectanea satis copiosa*, its date of presentation in the summer of 1530, the identity of the team around Edward Foxe including Cranmer and Nicholas de Burgo, the removal of manuscripts from monastic libraries into the royal library, and the significance of Henry's surviving annotations, following Diarmaid MacCulloch and Virginia Murphy; the transmission of the Lucius–Eleutherius material through Bede, the *Leges Anglorum* tradition and Geoffrey of Monmouth, and its use by Foxe as the earliest proof of the English church's independence; Polydore Vergil's scepticism about Geoffrey's British history; Elton's account of the drafting of the Act of Appeals as a government measure prepared through 1532; and the observation, which is Elton's and is contested by others, that Cromwell rather than the king should be credited with the constitutional architecture. The larger disagreement about whether the Henrician Reformation was Cromwell's revolution, the king's own project, or a set of improvisations without an architect — the ground fought over by Elton, Scarisbrick, Bernard and Guy — is named here rather than resolved, and this module deliberately takes no side, because its argument concerns the shape of the drafting rather than the identity of the drafter.

Contested points are flagged as such. Whether the *Collectanea*'s compilers believed the Lucius letter authentic is unrecoverable and is not asserted either way; what is asserted is only that Polydore Vergil's doubts about Geoffrey's British material were available in the royal service at the time. The number of spiritual peers relative to temporal in the Lords before 1540 is discussed with its uncertainties elsewhere in this study and is used here only for the proposition that the two bodies were of comparable size. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 4

# Rimed, Sung and Jangled in Every Alehouse and Tavern

*Formation — the interpreter monopoly he inherited working, the four small changes he made to it because his field of the visible ended at Rome, and the counter-formations those changes licensed*

## What formation is, and why it is not propaganda

Formation is not persuasion and it is not propaganda, and confusing it with either makes this module unreadable.

Persuasion is aimed at an adult who has a functioning capacity to screen what he is told, and against that capacity it mostly fails — people are stubborn, they check, they resist being talked out of their interests. Formation goes round the screen rather than through it, by reaching the person before the screen has developed and letting a life get built on top of what was installed. It does not deliver opinions. It delivers the framework *inside which* opinions are afterwards formed: who counts as a legitimate authority, which sources may be trusted without checking, what is sacred and therefore not open to calculation at all, who one's people are, and what the story of the world is that all subsequent facts will have to be fitted into.

The mechanism is not a trick played on a defective mind. It is a correctly functioning mind reading exactly the cues it was built to read. Deference to a marked authority; conformity to the group whose belonging one cannot survive losing; the placing of certain commitments beyond price; the arrival of the whole order as a story rather than as a set of propositions; and all four of these installed early, before refusal was possible, and then buried under decades of a life that would have to be demolished to revise them. When those cues all point the same way at once, the vigilance that could resist any one of them stands down before the set.

From which follows the rule that governs this module and that the collection has now confirmed in more than one place:

**There is no unformed person.** To be unformed is not to be free; it is to be feral. Every population is being formed by somebody, always, and the only question a ruler faces is *whose* formation is running in his territory. The colonial cases in this collection show one way of getting the answer wrong: the coloniser declines to form the conquered, because forming them into his own story would mean admitting them into

it and honouring the promises the story makes, and the bill is unpayable. What he discovers is that the field he refused to occupy did not stay empty. The old formation, a naturalised former conquest that had long since taken, simply held its ground — and a generation on, the population he would not form has been formed anyway, by something he neither built nor controls nor can enter.

Henry's case is the mirror of that, and rarer, and it is the reason this module exists.

He did not withhold formation. He inherited the entire apparatus intact and captured it working. Every child in England was already being formed, comprehensively and successfully, by an institution which after 1534 answered to him. He acquired, free and on the first day, the thing a coloniser spends sixty years failing to manufacture: a believed formation system with total coverage, running at no cost to him, staffed by men who were already in place.

And then he broke it. Not by neglecting it, and not by attacking it — he was, on doctrine, a conservative to his last breath. He broke it by making four small changes, none of which he understood as a change to formation at all, because his field of the visible ended at Rome.

## What he acquired, described as a machine

*The portrait of the good subject*

The English Christian of 1529 knew what he was and where he stood, and the knowledge had been installed in a definite order at definite ages.

He was baptised within days of birth, before he could consent, which is the load-bearing fact and not a formality: the sacrament that made him a member was administered at the one moment in his life when he had no capacity whatever to screen it. He was given godparents, who were his parents' neighbours and became a lifelong kin-like tie. He was taught, in English, by his parish priest and by his mother, the Pater Noster, the Ave and the Creed, and the Ten Commandments and the seven deadly sins — the whole framework of obligation in about two hundred words, learned by heart before he was ten.

He came to confession at the age of discretion and thereafter annually, which meant an annual private examination of his conduct by a man authorised to grant or withhold absolution. He received communion once a year, at Easter, having been shriven; and at every mass between he watched the elevation of the host, which he was taught was God, and which he could see but not touch or receive. He was married at the church door and buried in the churchyard among his own dead, whose names his family went on saying.

What that installed, in the terms the framework uses, can be set out exactly.

*Deference* was installed as a ladder of marked authorities, each mark visible and none checkable by him: the tonsure and the vestment; the priest's exclusive power to consecrate and absolve; above him the archdeacon and the bishop with the mitre and the crozier; above them the metropolitan; and at the top, outside the realm, the successor of Peter, holding the keys. Every rung was certified by the rung above and the whole ladder terminated abroad.

*Coalition* was installed as the parish. His people were the people he processed with at Rogationtide, whose church ale he drank, whose guild lights he helped maintain, whose dead his family prayed for and who prayed for his. Defection was not an abstraction; it was the loss of the only community he had.

The *sacred lock* was installed on the mass, the host, the saints and the dead. These were not preferences that could be traded against advantage. To propose pricing them produced not counter-argument but revulsion, which is exactly the signature of a protected value, and which is why the events of the following decade produced risings rather than debates.

And the *narrative channel* was installed almost entirely without text. This is the feature most easily missed by literate people reading back, and it matters more than anything else in the module. The story arrived as image and performance: the Doom painted over the chancel arch, with the saved on one hand and the damned being fed into a mouth on the other; the wall paintings of the saints and the Works of Mercy; the rood with Mary and John; the stained glass; the Corpus Christi cycles performed by the guilds in the street; the Palm Sunday procession; the Easter sepulchre. A population that could not read was formed completely, and formed by things it looked at and walked in.

### *The calendar*

The year was scored, and the scoring was the repetition mechanism.

Advent's fast, then Christmas and its twelve days. Candlemas at the start of February, with every household's candles blessed. Shrovetide, then Lent — forty days of fasting laid precisely over the hungry gap when last year's stores ran low, so that scarcity arrived as discipline rather than as failure. Palm Sunday's procession; the Easter sepulchre watched through Good Friday and Holy Saturday; Easter, when everyone in England was shriven and communicated in the same week. Rogationtide, when the parish walked its boundaries behind the cross, blessing the growing corn and — not incidentally — fixing in the memory of every child present exactly where the parish ended, which was also where certain property rights ended. Corpus Christi with its

plays. Lammas at the first harvest. Michaelmas, when rents fell due. All Saints, and then All Souls, when the whole community prayed for its own dead.

Between forty and fifty holy days beyond the Sundays, each with its own observance. A child raised in that year did not learn the order of the world as a doctrine. He walked through it annually until it was the shape of time itself.

*And the monopoly, which was the point*

One feature of the apparatus was not decorative and was not an accident of history, and every ruler who has ever held such a machine has understood it: **the text on which the whole structure rested was in a language the formed could not read, and was expounded to them by a licensed class.**

The Vulgate was Latin. The liturgy was Latin. The Bible existed in England in manuscript and was read by clerks and by the learned laity who had Latin. The one English translation in circulation — Wyclif's, and after 1526 Tyndale's — was illegal, and Tyndale's was burned in bulk at Paul's Cross. Bishop Gardiner's position, which he held consistently and which was the ordinary position of his generation, was that scripture required interpretation and that ill-educated people given direct access to it would misconstrue Christian teaching.

That was not obscurantism for its own sake. It was the security feature of the entire system, and it was doing precise work. An authority which claims to rest on a text, and which keeps the text out of the hands of the people who owe it deference, cannot be checked against its own foundation. The cue — the marked man who alone can read and expound — stays welded to the thing it certifies. The moment the text becomes generally available, the two come apart, and every claim the interpreter makes becomes, in principle, auditable by anyone who can read.

## What he wanted, and what he could see

Now the position, which is the whole explanation and which requires no theory about Henry's private convictions.

His problem, from 1527, was that the apex of the interpreter ladder sat outside his jurisdiction. Not that there was a ladder — a ladder of deference reaching from the ploughman to God was, to him, obviously right and obviously desirable. The problem was the last rung. The deference his subjects owed at the top was owed to a foreign prince who could be leaned on by the emperor, and who had, in the event, been leaned on.

What he wanted was to remove the last rung and stand on it himself. Everything below to remain exactly as it was.

That this is what he wanted, and not a Protestant programme, is established by his own actions across the decade and should be stated plainly, because the traditional narrative of a king who founded Protestant England is simply false.

In November 1538 he presided in person, dressed in white silk, at the trial of John Lambert for denying transubstantiation, and Lambert was burned. In 1539 he had parliament pass the Act of Six Articles, which reaffirmed transubstantiation, denied the cup to the laity, forbade the marriage of priests, upheld vows of chastity, kept private masses and retained auricular confession — with death for denying the first of these. In 1543 the King's Book set out a doctrinal position notably more conservative than the Bishops' Book of 1537 that it superseded. In 1546 Anne Askew, a Lincolnshire gentlewoman, was racked in the Tower and carried to Smithfield in a chair, unable to stand, and burned.

He was not building a new church. He was building the old church with himself on top of it, and he killed people at both ends of the argument to keep it there.

And here is the field of the visible working exactly as this collection has described it elsewhere. He could see his problem with total clarity, and he solved it completely. What he could not see — because it had never been a problem, because it had always simply been the way things were, because nobody in his position had ever had to think about it — was that the *value* of the machine he had captured lay in its monopoly rather than in its obedience. He acquired total institutional obedience: after 1534 every priest in England answered to him and to nobody else. He did not notice that in the course of acquiring it he was going to have to publish the source.

## The four changes

*One: he put the text in English, in the parish, on a chain*

In September 1538 Cromwell, as vicegerent, issued injunctions to the clergy of England. One item required each parson, vicar or curate to provide

> *one book of the whole Bible of the largest volume in English, and the same set up in some convenient place within the said church that ye have cure of, whereas your parishioners may most commodiously resort to the same and read it.*

The Great Bible was printed to meet it, completed in April 1539, and six further folio editions followed before the end of 1541 to satisfy demand. Its text was substantially William Tyndale's, unacknowledged, because Tyndale's version was officially heretical and Tyndale himself had been strangled and burned at Vilvoorde in

October 1536 for producing it. In 1540 Cranmer supplied a preface which describes the intended readership in a sentence that should be read beside the injunction:

> *Here may all manner of persons, men, women, young, old, learned, unlearned, rich, poor, priests, laymen, lords, ladies, officers, tenants, and mean men, virgins, wives, widows, lawyers, merchants, artificers, husbandmen, and all manner of persons, of what estate or condition soever they be, may in this book learn all things.*

Consider what that does mechanically, setting aside entirely what anyone intended by it.

It removes the monopoly on the source. From 1539, in every parish in England, the foundational text of the order was physically present, in the vernacular, in a public building, free, and any literate person could go and read it. The cue that had certified the interpreter — *he can read the book and you cannot* — was decoupled from the thing it certified, not by argument but by the plain fact of a chained folio in the nave.

And it does something less obvious and more corrosive. It makes the text the *criterion*. Once an authorised English Bible is standing open in the parish church, every practice of the church becomes checkable against it by anyone who cares to look — and the practices that cannot be found there become visibly unfindable. Purgatory is not in it. The invocation of saints is not in it. Pilgrimage is not in it. Images are, but in the Decalogue and against. Henry did not intend to install an audit function on his own church. He installed one, and he had it chained to the lectern so it could not be removed.

### *Two: he had the nation told, weekly, from every pulpit, that its highest authority had been a fraud*

This is the change least often counted as a change to formation, and it may be the largest.

The Injunctions of 1536 required the clergy to preach the royal supremacy and to preach against the usurped authority of the bishop of Rome. The Act of 1536 made defending that authority — by writing, ciphering, printing, preaching, teaching, deed or act — a praemunire offence. An oath of abjuration was imposed on all officers ecclesiastical and temporal to utterly renounce, refuse, relinquish and forsake the bishop of Rome and all his authority.

So: for something like nine hundred years, the English had been formed to hold the bishop of Rome as the Vicar of Christ, the successor of Peter, the holder of the keys, the top rung of the ladder of deference. And now the same apparatus — the same

priests, the same buildings, the same weekly slot in which every person in the country was present — was made to tell them that it had been a usurpation the whole time.

And they were told it by the very authorities whose marks certified the claim. That is the deference heuristic working perfectly and delivering, as its output, an instruction to withdraw deference.

The specific lesson was: the pope was never lawfully your superior. But the lesson a population actually takes from an episode like that is never the specific one. **The transferable lesson is that a sacred authority of a thousand years' standing can turn out to have been an imposture, and that one may be required, on instruction, to stop believing it.** That capacity, once demonstrated, does not switch itself off after a single use, and it does not remain the property of the government that demonstrated it. A people who have been taught by their king that the pope was a usurper have been taught something general about kings and popes together, and they have been taught it by an authority they trusted, which is the most durable way to teach anything.

*Three: he unsainted a saint, and had him scratched out of the calendar and out of the household's own books*

In September 1538 royal agents dismantled the shrine of Thomas Becket at Canterbury — the third great pilgrimage destination of Europe — prised off the gold, smashed the base, and carried the treasure away in chests. On 16 November 1538 a proclamation issued from Westminster in the king's name and Cromwell's declared that Becket's death had been no martyrdom but a riot brought on by his own stubbornness, and commanded:

> *that from henseforth the sayde Thomas Becket shall not be estemed, named, reputed, nor called a sayncte, but bysshop Becket; and that his ymages and pictures, through the hole realme, shall be putte downe, and avoyded out of all churches, chapelles, and other places; and that from henseforthe, the dayes used to be festivall in his name shall not be observed, nor the service, office, antiphoners, colletes, and prayers, in his name redde, but rased and put out of all the bokes.*

The choice of Becket was not arbitrary. He was an archbishop who had died resisting a king, and had been made a saint for it — the single most dangerous precedent in the English calendar for a monarch doing what Henry was doing.

But the instruction is what matters here, and it should be read as an act of formation policy rather than of spite. *The days used to be festival in his name shall not be observed.* A saint in the calendar is a lesson repeated annually, forever, to everybody, at no cost.

Removing one is an edit to the formation system's repeat cycle. *Rased and put out of all the bokes.* The books in question included every parish's service books and, crucially, the private books of hours owned by literate laypeople in their own houses.

And they did it. The surviving manuscripts are the physical record: books of hours with Becket's name scraped from the calendar page for December, historiated initials with the saint's body scratched away and the knights' swords left hovering over a blank, suffrages erased down to the vellum. English men and women sat down with a knife and edited the formation they had been given, in their own homes, at royal instruction.

Around the same instruction ran a set of others: the 1536 injunctions cutting the number of holy days and discouraging pilgrimage, relics and the veneration of images; the 1538 injunctions requiring the removal of images to which offerings had been made and forbidding candles and tapers before images, excepting only the light before the sacrament, the rood light and the Easter sepulchre light.

**And this is where the damage falls hardest and most unevenly, because it is the channel that formed the people who could not read.** He took down the pictures. He shortened the calendar. He stopped the pilgrimages and put out the lights. To the small literate minority he offered, in exchange, a book. To the great majority he offered nothing at all in exchange for what he removed.

*Four: he put a register in every parish, and dissolved ten thousand walking arguments*

The same injunctions of September 1538 included a twelfth item:

> *Item, that you, and every parson, vicar, or curate within this diocese, shall for every church keep one book or register, wherein ye shall write the day and year of every wedding, christening, and burying, made within your parish for your time, and so every man succeeding you likewise; and also there insert every person's name that shall be so wedded, christened, or buried; and for the safe keeping of the same book, the parish shall be bound to provide, of their common charges, one sure coffer with two locks and keys, whereof the one to remain with you, and the other with the said wardens ...*

The book was to be taken out every Sunday and written up in the wardens' presence, with a fine of three shillings and fourpence for omission.

It is the beginning of English demographic record and historians are properly grateful for it. Structurally, it is the parish being converted from a purely formative institution into a records organ of the state — and the parishioners understood it as such immediately and disliked it. Sir Piers Edgcumbe reported from Devon and Cornwall in the spring of 1538 that people mistrusted the measure, fearing that some

charge more than had been in times past should grow to them by this occasion of registering; the rumour that it presaged a tax on christenings and burials had already helped light the fuse in Lincolnshire in 1536.

And alongside it ran the removal of the religious. Between 1536 and 1540 something in the region of nine to twelve thousand monks, canons, nuns and friars were pensioned out of their houses and put into ordinary clothes. Whatever else they had been, they had been the most visible costly-sincerity display the order possessed: men and women who had given up property, marriage and self-direction, permanently and publicly, in every county in England. A person who has paid that much for a belief is an argument that requires no words. Ten thousand of them, walking about in secular dress on a pension, are the counter-argument.

## What held the field

The rule says the field is never empty. So what was forming the English after 1540?

**Mostly the old formation, because the personnel had not changed.** This is the single most important corrective the modern scholarship has made to the older narrative, and it should be held against any temptation to describe England as having become Protestant in the 1530s. The priests who had said the mass in 1529 said it in 1541; almost all of them conformed and stayed. Parish accounts show old practice continuing wherever it could. And the decisive evidence is what happened in 1553: when Mary restored the old religion, the vestments, plate, images and books came out of hiding across the country with a speed and completeness that is only possible if they had been hidden by people who fully expected to need them again. That is not the behaviour of a converted nation. It is the behaviour of a nation waiting out a policy.

**The new formation was thin, and stayed thin.** Henry authorised a text and did not build a system around it. There was no new catechetical apparatus of comparable depth, no replacement calendar of comparable density, no new visual culture — the whitewash went over the wall paintings and nothing went on top of the whitewash. The Bishops' Book of 1537 was never formally authorised; the King's Book of 1543 is dry and conservative and was not a formation instrument in any serious sense. What the Henrician church actually gave a child, in place of the Doom over the chancel arch and the Corpus Christi cycle and the parish's forty holy days, was a shorter year and a book he probably could not read.

**And in the gap, a third formation began to grow, out of the exact instrument Henry had installed.** Reading; preaching; the household. The godly minister whose authority came not from a mark on his person but from a text every literate person in the room could check against him. The practice of going to hear sermons, including

sermons outside one's own parish. Family reading of scripture in the house, which put formation back into the place where it works best — the home, the child, the earliest years — but under an authority the crown had not appointed and could not easily remove.

That last point is the structural one and it is worth stating precisely. **A counter-elite formed by a text does not have a ladder to be removed from.** The pope could be legislated out of the top rung because the ladder was an institution with an apex. A preaching minister whose claim is that his hearers can verify him from the book cannot be dealt with that way; deposing him does not deprive him of his authority, because his authority was never conferred from above. Within a century England had a large, literate, scripture-formed constituency with leaders of exactly that kind, and in the 1640s it went to war with the king's grandson's son and won.

## Henry sees it, and cannot undo it

The most valuable thing in this module is that we can watch the man discover what he has done, twice, in his own words, and watch him fail to reverse it.

**The first is a statute.** In May 1543 parliament passed the Act for the Advancement of True Religion and for the Abolishment of the Contrary. Its preamble complains that malicious minds, intending to subvert the true exposition of scripture, have taken upon them by printed ballads, rhymes and songs, subtly and craftily to instruct the king's people, and specially the youth of this his realm, untruly.

*And specially the youth of this his realm.* The government has correctly identified the mechanism and named the target population.

The Act's remedy was to withdraw the book. Reading the English Bible was prohibited outright to women, artificers, apprentices, journeymen, serving men of the degree of yeoman and under, husbandmen and labourers, privately or openly. Noblewomen and gentlewomen were permitted to read it — but to themselves alone, and not to others. Noblemen, gentlemen and merchants might read; the lower sort might not.

And the exemptions tell you what kind of measure it was. The Act expressly did not prohibit books printed before 1540 entitled Statutes, Chronicles, Canterbury Tales, Chaucer's books, Gower's books, and stories of men's lives. This is not a government suppressing literature or literacy. It is a government attempting to un-publish one book, five years after chaining it open in nine thousand parish churches, having in the meantime printed at least seven folio editions.

Five years. That is how long it took to discover the mistake, and it was already far too late, because a statute cannot un-print an edition or un-teach a person to read.

**The second is a speech**, and it is his last to parliament, delivered on 24 December 1545, thirteen months before his death. It is recorded in the chronicle tradition and was printed later in the century, and the relevant passage runs:

> *If you know surely that a bishop or preacher erreth, or teacheth perverse doctrine, come and declare it to some of our Council, or to us, to whom is committed by God the authority to reform and order such causes and behaviours, and be not judges yourselves of your own fantastical opinions and vain expositions; for in such high causes you may lightly err. And, although you be permitted to read holy scripture, and to have the word of God in your mother tongue, you must understand that it is licensed you so to do, only to inform your own conscience, and to instruct your children and family, and not to dispute, and make scripture a railing and a taunting stock against priests and preachers, as many light persons do. I am very sorry to know and hear how unreverently that most precious jewel, the word of God, is disputed, rimed, sung and jangled in every alehouse and tavern, contrary to the true meaning and doctrine of the same.*

Read it as a position report rather than as rhetoric and it is one of the most useful documents in this study.

He is not describing heresy. He is not describing sedition. He is describing *lay interpretation* — ordinary men in drinking houses forming and arguing opinions about the meaning of a text — and he is describing it accurately. He tells them the licence to read was given only to inform their own conscience and to instruct their children and family, and not to dispute; he tells them not to be judges of their own opinions; he tells them that in such high causes they may lightly err; he tells them to bring their doubts to the Council or to him.

He is asking them to read the book and not draw conclusions from it. And there is nothing else he can ask, because the alternative — taking it back — he had already tried two years earlier, by statute, and it had not worked.

The man who removed the interpreter monopoly is standing in front of parliament asking his subjects to behave as though it were still in place.

## Reading formation against the framework

Five things this case gives back, and the first two are corrections rather than additions.

**A captured formation apparatus is not the same as a controlled one, and the difference is the monopoly.** The framework has treated the capture of the formation system as the ruler's great prize, and it is. But this case shows the prize has a condition

attached that is easy to miss precisely because it is normally invisible: the machine's value lies in the *exclusivity of interpretation*, not in the institution's obedience. Henry achieved total institutional obedience — after 1534 no priest in England answered to anyone but him — and in the same operation destroyed the exclusivity that made the obedience worth having. **You can own the whole machine and lose control of the output, if you publish the source.** The diagnostic for other cases: when a ruler captures a formation system, ask not whether the personnel now obey him but whether the interpretive monopoly survived the capture intact.

**The withheld-formation finding has a mirror, and the mirror is the more dangerous of the two.** The colonial pattern is *narrowing*: refuse to form the mass, and the old formation holds the field. The Henrician pattern is *widening*: hand the formed population the founding text and the capacity to check their interpreters, and you have not replaced one formation with another — you have licensed an indefinite number of them, competing, none of which you appointed. Both are failures of the same kind and yield a single rule: **the field of formation is never empty and is never singular by default; a monopoly on formation is an achievement that must be actively maintained, and every act of a ruler that touches it either maintains it or breaks it.** There is no neutral act in this domain.

**Teaching a population that a sacred authority was a fraud teaches a general lesson, not a particular one.** The intended content of the 1530s lesson was: the bishop of Rome was never your lawful superior. The transferable content, delivered by trusted authorities to the entire population weekly for years, was: *deference of a thousand years' standing can be an error, and you may be required to withdraw it.* A state that has once made its people perform that withdrawal has demonstrated to them that such withdrawals are possible and survivable. This is a cost incurred invisibly, because at the moment of teaching it the lesson runs entirely in the ruler's favour. It comes due in the next generation but one, and by then nobody remembers who taught it.

**Formation runs on two channels, and a ruler who cuts one and expands the other has not substituted — he has stratified.** Image, ritual, procession and play form the illiterate; text forms the literate. The medieval church ran both and leaned hardest on the visual, because most people could not read. Henry attacked the visual channel — images, shrines, lights, holy days, the calendar itself — and expanded the textual one. In a population that was overwhelmingly unlettered, the result was not one formation replacing another. It was formation *removed* from the majority and a powerful new instrument *handed* to a minority: which is a precise recipe for the thing that duly appeared, a scripture-formed party with a framework the mass did not share,

and a mass whose own framework had been thinned and left open. Where a study finds a ruler moving formation from a non-textual channel to a textual one, it should expect the emergence of a literate faction and a formation gap, and should look for both.

**And the timing lever is where all of it compounds.** A change to an adult's information environment produces argument, which is loud and visible and passes. A change to a child's formation produces a generation, which is silent and invisible and does not pass. The children baptised in England in 1540 were catechised in a church whose calendar had holes cut in it, whose walls had been whitewashed over the paintings their grandparents had paid for, whose most famous saint had been scraped out of the family's own book of hours by their own father's hand, and in whose nave stood an open folio that the men of the parish argued about. They were adults in the 1560s. Their grandsons sat in the Long Parliament. **The interval between an act of formation policy and its structural consequence is measured in generations, which is precisely why it lies outside the field of the visible of the man who performs the act.**

Two disciplines to close, and both cut hard.

The first is against reading Henry as a fool, which would be both unjust and analytically useless. His field of the visible was his problem set, and his problem was that the apex of his subjects' deference sat abroad, and he solved that problem completely and permanently. Moreover the instrument he used was very nearly the only one available: a claim that the papal authority had been a usurpation *has to be provable from somewhere*, and the somewhere was scripture and the old chronicles. To argue from the text is to make the text the criterion; to make it the criterion in a realm you are trying to persuade is to publish it. There may have been no version of this operation that did not end with the book on the lectern. He was not blind. He was in a position, and the position had that shape.

The second is against reading the outcome as liberation, which the sources do not support and which the framework specifically warns against. The seat of trusted belief cannot be emptied, only refilled. The men and women who ceased to defer to the priest did not step into an unmediated relation with the text; they stepped into deference to the preacher, the printed marginal gloss, the godly minister, the author of the annotation in their own Bible — collars all, worn by people they could not verify either. What changed was not the fact of dependence, which is permanent and is the condition of knowing anything, but the *plurality and checkability* of the authorities available. That is a real gain and it is the only kind of gain available in this domain. It is not the same as escape, and calling it escape is how the next monopoly gets built.

And hold the gravity, because this is a module in which the arithmetic is made of people. Tyndale was strangled and burned in 1536 for translating the book the king printed in 1539. Lambert was burned in 1538 for denying a doctrine, with the king watching in white silk. Anne Askew was racked in the Tower in 1546 and carried to Smithfield in a chair, being unable to walk — a gentlewoman, and therefore, under the king's own statute of three years earlier, entitled to read the Bible, though only to herself and not to others. She had read it to others.

*A note on sources.* Quoted exactly from public-domain primary texts: the injunction of September 1538 requiring *one book of the whole Bible of the largest volume in English, and the same set up in some convenient place within the said church*; the twelfth item of the same injunctions establishing the parish register, the coffer with two locks and keys, and the weekly entry before the wardens, given here in the modernised form in which it is most commonly printed, with the original-spelling text also extant in the State Papers and reproduced in the nineteenth-century parish-register literature; Cranmer's 1540 preface to the Great Bible at the passage beginning *Here may all manner of persons*; the royal proclamation of 16 November 1538 unsainting Becket, quoted in the original spelling from the Berthelet printing as reproduced in nineteenth-century public-domain form, at *shall not be estemed, named, reputed, nor called a sayncte* through *rased and put out of all the bokes*; the preamble and prohibitions of the Act for the Advancement of True Religion, 1543 (34 & 35 Hen. VIII c. 1), including the passage on *printed ballads, rhymes* and *specially the youth of this his realm*, the categories excluded from reading, the permission to noblewomen and gentlewomen to read *to themselves alone and not to others*, and the exemption of Statutes, Chronicles, Chaucer and Gower; and Henry VIII's speech to parliament of 24 December 1545, from the version printed under the title *A famous speech of King Henry the eighth, made in the Parliament House the 24. of December*, at *If you know surely that a bishop or preacher erreth* through *rimed, sung and jangled in every Alehouse and Taverne*.

A caution on the last of these. The speech survives through the chronicle tradition and a later printing rather than as an official record, and its wording varies between witnesses — *unreverently* and *irreverently*, *rimed* and *rhymed*, *precious jewel* and *pretious jewell*. The version above follows the seventeenth-century printed text; the substance is consistent across the witnesses and the speech is generally accepted, but readers should treat the exact wording as reported rather than as recorded.

Paraphrased and credited to modern scholarship: the account of late medieval parish religion, the calendar, the visual and performative channel, and the evidence of the 1553 restorations, follows Eamon Duffy's *The Stripping of the Altars* above all, with Christopher Haigh and J. J. Scarisbrick, and with the post-revisionist qualifications

noted elsewhere in this study; the mechanics of formation, the five levers, the verification override and the division of cognitive labour are the framework's own and rest on the literature set out in *The Exploit*, principally Henrich on cultural learning and prestige, Sperber and Mercier on epistemic vigilance, Haslam and Reicher's reinterpretation of Milgram as engaged followership, Tetlock and Atran on sacred values, Haidt on intuition and narrative, and Sloman, Fernbach and Hardwig on epistemic dependence; the printing history of the Great Bible and the dependence of its text on Tyndale follow the standard bibliographies; Gardiner's position on the necessity of interpretation is taken from the standard accounts of the 1530s doctrinal disputes.

Contested figures and points are flagged. The number of religious displaced between 1536 and 1540 is given as a range of roughly nine to twelve thousand and is discussed with its uncertainties elsewhere in this study. The number of holy days observed before 1536 varies by diocese and by use and is given as an approximate range. Literacy rates in mid-Tudor England are genuinely unknown and are not asserted here beyond the uncontroversial proposition that the great majority could not read; estimates in the literature vary widely and by region, sex and occupation, and any single figure should be distrusted. Whether the Great Bible or the 1543 restriction had measurable effects on popular belief within Henry's lifetime is disputed, and this module argues for a structural mechanism operating across generations rather than for a demonstrated change of opinion in the 1540s; the reader should hold the mechanism and the evidence for it separately. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 5

# The Upper Part of the Gristle of His Right Ear

*The cost column — what the ordinary Englishman actually got from the arrangement, what refusal cost him, why walking away was not available, and the discovery that a realm with no police prices defiance through the neighbours*

## Whose ledger this is

Every module so far has been about people with something to lose that can be written down: an abbot with a convent seal, a gentleman with a deed, a king with a jurisdiction. This one is about the two and a half to three million people who had none of those things, and it asks the only question that matters about them: **why did they comply?**

They were not one group and the ledger has to be run more than once. A yeoman with a forty-shilling freehold, a vote at the shire court and a son at grammar school occupied a different position from a copyholder with fifteen acres, and both from a landless labourer hired by the day, and all three from a servant in husbandry living in another man's house on a yearly hiring, and all four from a widow with a cottage and a cow. Perhaps nine in ten of them lived in the country. Most of the rest were in towns of a few hundred souls; London, at forty to sixty thousand, was the only city in England of a size that would have registered as a city anywhere in Italy.

And the question has to be asked across the whole territory the crown claimed, because the arithmetic is not the same everywhere. Wales was being shired and brought under English law by statute in exactly these years. The north was placed under a permanent conciliar government in October 1537, for reasons this study has already met. Calais was a garrison town. Ireland was declared a kingdom in 1541, but the writ that ran in the Pale did not run in Ulster or Connacht in any sense a Lincolnshire husbandman would have recognised.

The framework's question is a ledger question and it has two sides, and the honest answer for England in 1529 begins with the side that is usually skipped.

## The benefit column, which was not empty

An order that runs cheap does not run on fear. It runs because, for most people most of the time, the sum comes out in favour of compliance — and for the ordinary Englishman of 1529 there were four real entries on that side of the page.

**Peace.** There had been no battle fought on English soil since Stoke in 1487. That was forty-two years, and for a man of sixty it meant that the fighting had stopped when he was a small child. Behind it lay a period the country had not forgotten: thirty years of magnates raising retinues and settling their quarrels across other people's fields, and behind that, in the stock of remembered disaster, the nineteen winters of Stephen's reign. To a man whose entire capital is a standing crop, a barn and four beasts, an armed band on the road is not a political event; it is total loss. A countryside in which nobody is fighting is the largest single benefit a Tudor subject received, it was delivered daily, and it was correctly attributed to the crown.

**A law he could use.** England's common law was not merely a set of penalties administered to him; it was a procedure he could invoke. He could bring an action. He could be tried by a jury of men who knew him — and Module 1 has already established, from the Duke of Norfolk's own hand, what that was worth in practice: put a case before a jury of neighbours and not one man in five would suffer, because a small excuse would be well believed where affection and pity of neighbours reigned. That is a benefit measured in lives. Beside the common law stood the crown's equity courts, and one of them was explicitly aimed at people like him: the Court of Requests, known as the court of poor men's causes, which heard suits from litigants who could not afford common-law process and which was busy.

**The parish.** He belonged to a small corporation which relieved its own. The Act of 1531 licensed the aged, poor and impotent to beg within a defined area; the Act of 1536 went further and required the governors of every shire, city, town, hundred, hamlet and parish to find and keep every aged, poor and impotent person born or resident there for three years, by way of voluntary and charitable alms, *so as none of them shall be compelled to go openly in begging*. Beside that ran the church ale, the parish fraternity, the craft guild, and the ordinary neighbourly obligations of a place where everyone was known.

**And terms of tenure and labour that were, by the standards of Europe, extraordinarily good.** This is the entry most easily missed and it is the largest. Serfdom in England had withered to a legal antiquity; villeinage survived on paper in a few places and as a fact almost nowhere. Perhaps two-thirds of English land was held by copyhold — customary tenure, entered on the manor roll, with rent fixed by the custom of the manor rather than by the market. And the fifteenth century, whatever

the current arguments about how to measure it, had left the English labourer with real earnings that the following century would spend a hundred years failing to regain.

Set that against the Continent in the same decades. In France the seigneurial dues persisted. East of the Elbe, in Brandenburg and Poland and Bohemia, serfdom was not withering but being *re-imposed*, and the peasantry was being pushed down into a legal condition the English had escaped a century earlier.

**So the honest statement of the ledger on the eve is that the ordinary Englishman was doing comparatively well, and had reason to know it.** That matters enormously for what follows, because it means the events of the 1530s did not fall on a population with nothing to lose. They fell on one that had something, and could feel it going.

## What the decade did to that column

Now the entries this study is actually about, and the discipline here is to separate what the sources bear from what the polemics on both sides have claimed.

**The holy days went.** The injunctions of 1536 swept away the great majority of feast days — the patronal festivals of individual parishes, and the saints' days falling in harvest and in the law terms. Whatever one thinks of the theology, the material effect is not arguable: it was a transfer of leisure to labour. Between forty and fifty days a year of obligatory idleness, with their fairs, their markets, their processions and their local pride, were converted into working days by administrative order. For a man who worked when the light and the season allowed, that was the single most concrete change the Reformation made to his week.

**The monasteries went, and the accounting is contested.** The Catholic case has always been that the dissolution destroyed the country's charity, hospitality, hospitals and schools. The evidence does not fully support it and should not be pretended to. Savine's analysis of the *Valor* and the work that followed it found monastic alms to be a small fraction of monastic income — at a large house like Bolton the figure comes out at something in the region of two and a half to three and a half per cent even counting generously. A house spending three per cent of its income on the poor was not the welfare system of northern England.

But the houses were other things than almoners, and those things did go. They were among the largest employers in their districts. They ran hospitals, kept schools, and lodged travellers on roads with no inns. They held enormous estates, and — this is the entry that matters most — they were frequently *slack* landlords, running customary rents, unmodernised, on ancient assessments, because a corporation that never dies has no heir to provide for and no reason to maximise.

The men who bought those estates had every reason to maximise. And here the study has direct testimony from the least sentimental witness available. On 21 February 1537, from Carlisle, the Duke of Norfolk wrote to Cromwell about the people he was about to hang, and the calendared text reads:

> *what with the spoiling of them now and the gressing of them so marvellously sore in time past and with increasing of lords' rents by inclosings, and for lack of the persons of such as shall suffer, this border is sore weked and specially Westmoreland; the more pity they should so deserve, and also that they have been so sore handled in times past, which, as I and all other here think, was the only cause of this rebellion.*

*Gressing* is the taking of gressums — the entry fines paid by a customary tenant on admission to a holding, which a landlord who wished to squeeze a copyholder raised, because the rent itself he could not touch. The king's own lieutenant in the north, writing privately, with seventy-four men already selected for execution, identifies the cause of the rising as rack-renting, entry fines and enclosure. Not doctrine. Not the pope.

**And the rest of the column.** The Statute of Uses of 1536 struck at the devices by which landholders had provided for their families and was a stated grievance in Lincolnshire. The parish register of 1538 was widely believed to presage a tax on christenings, weddings and burials, and Sir Piers Edgcumbe reported the fear from Devon and Cornwall in plain terms. Rumours ran that the parish churches would be stripped next and their plate taken. And from 1544 the crown began debasing the coinage to pay for war, at the same time as a recovering population pressed on the food supply, so that the second half of the century saw the English labourer's real earnings fall further than at any point in three hundred years.

Put it together and the shape is stark. **The benefit column was being emptied during exactly the years in which the state's demand for compliance was rising.** That is the framework's danger condition, stated in its purest form, and the framework's prediction is trouble. Trouble arrived in October 1536.

## The cost column: what refusal cost

Against that stood a set of prices, and they were not light.

**Words became capital.** Module 1 has set out the Treasons Act of 1534, which made it treason to deprive the king of the name of his royal estate or to call him heretic, schismatic, tyrant, infidel or usurper — by words or writing. What that module did not pursue is where the statute actually landed. It landed in the alehouse. The enforcement

records of the 1530s, which Elton reconstructed, are full of ordinary people — priests, servants, artisans, husbandmen — reported for something said over drink or in anger, and examined on it.

**Felony was the gallows.** Theft of goods worth more than twelve pence was grand larceny and grand larceny was capital. The system was mitigated in practice by three devices — benefit of clergy for a man who could read the neck verse, sanctuary until it was restricted in 1540, and the settled habit of juries valuing stolen goods at eleven pence whatever they were actually worth — but the mitigations were discretionary and the rope was not.

**Movement was criminal.** This is the entry that prices exit, and it deserves its own quotation. The Act of 1531 had made whipping the punishment for the sturdy vagabond. The Act of 1536 escalated, and the escalation is worth reading in the statute's own words:

> *A valiant Beggar, or sturdy Vagabond, shall at the first Time be whipped, and sent to the Place where he was born or last dwelled by the Space of three Years, there to get his Living; and if he continue his roguish Life, he shall have the upper Part of the Gristle of his Right Ear cut off; and if after that he be taken wandering in Idleness ... he shall suffer Death as a Felon.*

Whipped, then cropped, then hanged. And note the middle clause, which is doing more work than the mutilation: *sent to the Place where he was born or last dwelled by the Space of three Years.* A man off his own ground is to be beaten and returned to it. The cropped ear is a mark that follows him thereafter, so that the second offence can be recognised anywhere in England by anyone who looks at his head.

The same statute also provided that children between five and fourteen found begging might be taken and put to service in husbandry or a craft. And the direction of travel continued after Henry: the Act of 1547 ordered that a vagrant be branded with a V and enslaved for two years, with death for repetition — a measure so extreme that magistrates would not use it and parliament repealed it within three years.

**Heresy burned.** The Six Articles of 1539 made denial of transubstantiation a capital matter, and the fires were real at both ends of the argument across the decade.

**And the church courts still ran.** They could impose penance — the white sheet, the candle, the public confession before the congregation — and they could excommunicate, which stripped a man of the ability to bring an action in any of the king's courts and made him, in a small community, untouchable.

## Who was actually holding the price

And now the finding, which came out of the sources rather than the prediction, and which reorganises the module.

**The English state in 1540 had almost no coercive apparatus of its own.**

There was no standing army. There was no police force of any kind. There was no paid provincial bureaucracy. There were no royal garrisons in the interior of the country worth the name — a few coastal forts, the Tower, the Border strongholds, and effectively nothing between.

What there was instead: the justice of the peace, an unpaid local gentleman named on a commission renewed annually, sitting in quarter sessions four times a year with a nominal four shillings a day for the days he sat; the sheriff, a local landowner serving a year; the parish constable, a villager taking his turn in an unpaid and thoroughly resented office, responsible for raising the hue and cry, holding prisoners and delivering them to the court; the churchwardens, elected by the parish, who presented offenders at the bishop's visitation; and the presentment jury, which was simply the neighbours, on oath, saying what had happened in their village.

Every single one of those is a member of the community being policed.

Which yields the module's central structural claim, and it is a correction to the framework rather than an illustration of it. The framework has treated the floor and the belief as two separate things standing in an inverse relation: where the belief is thick, force withdraws to the margins; where it is thin, force is visible and surveillance appears. That model assumes the two are *separable* — that there exists a coercive apparatus which can be moved forward or back.

In Henrician England there was no such apparatus to move. **The cost column and the formation column were the same column.** The men who applied the price were the formed community, acting on itself, for nothing.

The consequences are exact and they run in both directions.

Where the community held the belief, enforcement was total and free. There is no cheaper policing in the world than a village that presents its own offenders, and no more comprehensive surveillance than neighbours who have known each other since birth. A Tudor parish was, in this sense, the most thoroughly watched environment most human beings have ever lived in, and it cost the crown nothing whatever.

And where the community did not hold the belief, enforcement was not reduced. **It was zero, instantly, because there was nothing else.** The state had no reserve to bring up. This is precisely what Norfolk reported from Carlisle in February 1537, and it should now be read in this light: had he proceeded by jury, not one man in five would have suffered, *because a small excuse would be well believed where much affection and*

*pity of neighbours doth reign.* The identical machinery that would have hanged a sheep-stealer without hesitation would not hang a rebel — not because the law had changed but because the neighbours' sympathies had. And so the king's banner had to be displayed and the ordinary law suspended, which is what a government does when the people who hold its cost column have quietly set it down.

**Martial law is the tell.** Not surveillance — England in the 1530s had almost no surveillance apparatus in the modern sense — but the moment at which a state must reach past its own courts, because its own courts are staffed by the population whose consent it has lost.

There is a second and darker mechanism here that belongs in the framework by name. The government of the 1530s did not build an informer network. It did something much cheaper: **it changed the law so that private speech became an actionable offence, and then waited.** Make words treason, publish the fact, and every existing grudge in every parish in England becomes convertible into a capital charge at no cost to the crown. The enforcement records of the decade are not the output of a secret police; they are the output of ordinary malice, ordinary rivalry and ordinary fear, running through channels the state had opened and did not have to staff.

That is cheaper than surveillance and it does a different kind of damage. Surveillance prices actions. This prices *relationships* — it makes every neighbour a potential informant and every conversation a risk, and it does so without the state spending a penny or appearing anywhere in the transaction.

## Exit

The framework's second dial asks whether the ruled can simply leave. For the ordinary Englishman of the 1530s the answer is no, and the reason is not the one usually assumed.

He was not fenced in. There was no wall, no internal passport, no closed frontier. He could physically walk out of his village on any morning and nobody would stop him at the parish boundary.

What stopped him was three things.

**The law made him returnable.** The vagrancy statutes did not need to imprison him. They needed only to make a man found off his own ground, without a master or a licence, a person to be whipped and *sent back to the place where he was born or last dwelled* — and, on a second offence, permanently marked so that any parish in England could identify him on sight. That is a settlement system operating a century before the settlement laws, and its function was not the relief of poverty but the fixing of labour.

**The reachable world was uniform.** This is the decisive point and the one that generalises. He could walk to the next county, and the next county had the same king, the same law, the same statutes, the same church, the same tenures and the same price for the same offences. Exit fails here not because the walls are high but because there is nothing on the other side that differs. **The strongest exit-closure is not a border; it is a monoculture.**

**And the exits that did exist were exits for particular kinds of people.** London was real and it worked: apprenticeship, the freedom of the city, trade, anonymity, and a labour market that paid. But an apprenticeship required a place, a master, and usually a premium, and it was an exit for the young, the male and the connected. Scotland was poorer, hostile and periodically at war. Ireland offered escape from English governance only outside the Pale, in a country whose own order was no easier. The Continent — the Low Countries, the Rhineland, the Swiss and German cities — took religious exiles in both directions across the century, and this was a genuine exit, but it required money, literacy, languages and contacts. It was the exit of William Tyndale and later of the Marian exiles: an elite exit, taken by hundreds, not by hundreds of thousands.

And the exits were being narrowed during exactly this period, by measures which are not usually read as exit-closure and should be. The Laws in Wales Acts of 1536 and 1542 abolished the marcher lordships and shired Wales under English law — closing a jurisdictional patchwork in which a man could once step across a boundary and be genuinely out of reach. The Council in the North was established in October 1537, directly out of the rising, and put a permanent conciliar government into the one region where the community-enforcement model had visibly failed. The parish register of 1538 made every birth, marriage and death in England a matter of record. Each of those is an instrument of legibility, and legibility is the precondition of exit-closure: you cannot return a man to where he came from unless you can establish where that was.

## Reading the cost column against the framework

Four contributions, of which the first is a genuine correction.

**Where the ruler has no coercive apparatus of his own, the cost column and the formation column are not two columns.** The framework's model of a floor that withdraws as belief thickens presupposes a floor that exists independently and can be repositioned. Tudor England had none: no standing army, no police, no paid local officials. Every person who applied a penalty to an ordinary subject — the constable, the churchwarden, the presentment jury, the JP — was drawn from the community being policed. **In such an order, thick belief does not push force to the margins; it means force is not a separate thing at all.** And the corollary is severe and is what

makes such orders so unstable at the point of failure: when belief goes, the price of defiance does not decline gradually, it collapses at once and across a whole district, because the state has no reserve to bring forward. What it has instead is the prerogative — the banner, the suspension of its own law — and reaching for that is the diagnostic event. **Look for martial law, not for surveillance, as the tell in an order that polices through the community.**

**A state can build an informer system without building one, by changing the law of offence and waiting.** Make private words a capital crime and every pre-existing grudge in the country becomes a free enforcement instrument. This is cheaper than any surveillance apparatus and it does a different injury: it prices relationships rather than actions, and it leaves no institution to be pointed at afterwards. The tell to look for in other cases is not an apparatus but a *statutory change in what counts as an offence* — specifically, the criminalisation of speech, opinion or non-attendance — after which the denunciation records will fill up without the state appearing anywhere in them.

**Exit is closed by uniformity, not by walls, and the instrument is returnability.** The framework should read vagrancy, settlement and identification law in any order as exit-pricing rather than as social policy. The Act of 1536 is the model: it does not confine the subject, it marks him and sends him home, and the ear is cropped so that the marking is permanent and portable. A ruler who wants to close exit cheaply does not need a frontier; he needs a system in which every person has a known place of origin, every locality is legible, and every neighbouring jurisdiction offers the same terms.

**And the danger condition is the emptying of the benefit column while the demand for compliance rises.** The English case is unusually clean because the benefit column was genuinely full in 1529 — peace, a usable law, a parish that relieved its own, and tenures and wages that were the envy of Europe — and because the entries were removed one by one across a single decade: the holy days converted to working days, the customary landlord replaced by a commercial one, the entry fines raised, the enclosures made, and the coin debased. The framework predicts trouble from that combination. What the case adds is *where* the trouble comes from: not from the district where the benefit column was lowest, but from the district where it had been emptied fastest and most recently — and, critically, from the district where the community that held the cost column had itself changed sides. Those two conditions arrived together in the north in the autumn of 1536, and they arrived together because they are the same condition seen from two angles.

Three disciplines to close, and they cut in different directions.

The first is against sentimentalising the ordinary Englishman as a victim. By the European standards of his day he was a fortunate man: not a serf, holding by custom, tried by his neighbours, living in a country where nobody had fought a battle in forty years. That is precisely why the losses of the 1530s registered as losses. A man who has nothing does not rebel over entry fines.

The second is against mistaking compliance for belief. Most people in most parishes complied with everything, in both directions, without much conviction either way, and the proof is the speed of the reversals. The same parishes that took down the images in 1538 put them back in 1553 and took them down again in 1559, largely with the same personnel and the same churchwardens. That is not a nation changing its mind three times in twenty years. It is a nation reading the price correctly three times in twenty years, and hiding the vestments in between.

And the third is that the price was not an abstraction. A man whipped at a cart's tail through his own market town; the upper part of the gristle of an ear cut off, in public, so that the mark would last; a hanging for the theft of goods worth thirteen pence; a burning over a proposition about bread. These things were done to ordinary people, in ordinary places, and — this is the part the module has been building toward — they were very largely done *by* ordinary people, by neighbours acting as constables and jurors and churchwardens, on other neighbours whom they had known all their lives. The Tudor state could not have reached into a single village in England without them. It did not have to. They were already there.

*A note on sources.* Quoted exactly from public-domain primary texts: the Act for Punishment of Sturdy Vagabonds and Beggars, 1536 (27 Hen. VIII c. 25), at the passage beginning *A valiant Beggar, or sturdy Vagabond, shall at the first Time be whipped* and running through *he shall suffer Death as a Felon*, together with its provisions requiring the governors of shires, cities, towns, hundreds, hamlets and parishes to keep their own aged, poor and impotent *so as none of them shall be compelled to go openly in begging*, and permitting children between five and fourteen taken begging to be put to service — quoted from the statute as printed in the standard collections; and the Duke of Norfolk's letter to Cromwell of 21 February 1537, from *Letters and Papers, Foreign and Domestic, Henry VIII*, vol. xii pt. 1, no. 478, at the passage on the spoiling and *gressing* of the border tenants, the increasing of lords' rents by enclosures, and his judgement that this *was the only cause of this rebellion*. As noted in earlier modules, the *Letters and Papers* text is Gairdner's calendar rather than a transcript; the wording above follows the calendar, which sets the passages it quotes verbatim in inverted commas.

Paraphrased and credited to modern scholarship: the enforcement of the treason legislation through denunciation rather than through any state apparatus follows G. R. Elton's *Policy and Police*; the structure of Tudor local government — the unpaid commission of the peace, the annual shrievalty, the parish constable, the presentment jury and the churchwardens' presentments — follows the standard accounts; Paul Slack on the Tudor poor laws; Savine and the literature following him on the proportion of monastic income disbursed as alms, and the Bolton Priory figure; the long controversy over fifteenth-century real wages and the sixteenth-century decline, where Thorold Rogers, Phelps Brown and Hopkins, Christopher Dyer, Gregory Clark, Robert Allen, and Hatcher and Stephenson disagree substantially about levels, about the length of the working year, and about whether a 'golden age of the labourer' existed at all — the disagreement is named rather than resolved, and this module takes only the proposition on which the field broadly agrees, that English labourers' real earnings were comparatively high in the fifteenth century and fell across the sixteenth; the survival of copyhold as the dominant tenure and the manorial mechanism by which entry fines rather than rents were the instrument of pressure; and the contrast with the re-imposition of serfdom east of the Elbe in the same decades.

Contested figures and points are flagged. The population of England is given at two and a half to three million and is an estimate; the figure for London at forty to sixty thousand likewise. The number of holy days abolished in 1536 varies by diocese and use and is given as an approximate range, as is the pre-Reformation total. Monastic almsgiving as a share of monastic income is given at roughly two and a half to three and a half per cent on the basis of the surviving detailed accounts of a small number of houses and should not be treated as a national figure; the wider question of what the dissolution cost the poor in employment, hospitality, hospital provision and schooling is genuinely disputed and is not resolved here. The extent to which the vagrancy statutes were actually enforced is also disputed — the 1547 Act is generally agreed to have been a dead letter — and this module argues that the statutes priced exit whether or not they were commonly applied, which is a claim about the law's effect on calculation rather than about conviction rates. Real-wage series for this period should be treated as contested at every point. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 6

# The Lead Off the Roofs

*Extraction — a permanent flow and a once-only stock taken from the same institution in the same decade by the same office, the different laws they obeyed, and what happened to the largest windfall in English history*

## Two kinds of taking, and why this case can tell them apart

The framework distinguishes two forms of extraction and holds that they obey different laws, and this case is the cleanest test of the distinction the collection has found, because both forms ran at once, out of the same institution, through the same government, in the same ten years.

A **flow** has a rate. A harvest tithe, a land rent, a poll tax, a tribute — the extractor sets a level and can raise or lower it, and because he needs the producer alive and producing again next year, the level settles at an equilibrium somewhere below the point at which the producer stops producing or starts fighting. Both parties can find that point, and both have an interest in the arrangement continuing. Flow extraction is therefore conservative in the literal sense: it preserves what it feeds on.

A **stock** has no rate. You cannot take a third of an abbey. There is no tuning, no equilibrium, and no next year — the asset is taken once, entire, and then it does not exist any more. Which produces the framework's prediction, and it is a hard one: **stock extraction tends toward elimination.** The extractor has no reason to preserve the source, because there is no further yield to come from it; and worse, once the asset has been severed the former owner's continued existence is a pure liability, since an owner who survives may one day reclaim. Every incentive runs toward destruction.

That is a prediction about behaviour, and behaviour is observable. So the test is: did the two forms behave differently here, and in the predicted directions?

They did, and the difference is visible in the physical remains of the English countryside.

## The flow: a tenth of the church, for ever

Begin with the extraction that is almost never discussed and was probably the most valuable single thing the crown got out of the whole business.

The Act of 1534 concerning first fruits and tenths did two things. It redirected annates — the new incumbent's first-year payment — from Rome to the crown, which

is the part everybody remembers and which is a one-off on each appointment. And it added something with no precedent at all: an annual pension of the tenth part of all the possessions of the church, spiritual and temporal, granted to the king and his heirs.

A perpetual ten per cent, every year, on the entire ecclesiastical revenue of England and Wales.

Two things about it matter for the framework.

**It could not have existed without the survey.** A tenth cannot be levied on an income nobody has measured, and the *Valor Ecclesiasticus* of 1535 was compiled to measure it. The same instrument that made the £200 threshold draftable made the tenth assessable — one survey, two extractions, and the settlement module's finding holds here without modification: for an insider, legibility precedes taking.

**And it was institutionalised, which is the tell of a flow.** In 1540 the crown erected the Court of First Fruits and Tenths, with its own master, auditors and receivers, to value, collect, compound and enforce. Governments do not build permanent departments for windfalls. They build them for annuities.

The yield is variously reported and should be carried loosely — figures in the region of £30,000 to £40,000 a year in the early decades are commonly given, against an ordinary crown revenue that had been running at something like £100,000 to £110,000. Whatever the exact number, the crown had increased its permanent income by something approaching a third, from a source that renewed itself annually and required no further political effort.

And observe what it did *not* do to the source. It left the parish clergy in their benefices. It left the bishops in their sees. It did not abolish a single living, dissolve a single chapter, or unroof a single parsonage. Nobody proposed suppressing benefices, because a suppressed benefice pays no tenth. The crown had acquired a producer and had every reason to keep it healthy — which is precisely what the framework says a flow-extractor will do, and which is why the arrangement was still running a hundred and seventy years later, when Queen Anne diverted the proceeds into a fund for augmenting poor livings, and why the office that collected it survived in one form or another into the twentieth century.

**A flow, taken from an institution left standing, and running for the better part of four hundred years.** Hold that beside what follows.

## The stock: taken entire, and then broken up

The monastic endowment was the other kind of asset, and everything about its treatment differs.

The land went first and has been described. What has not been described is what happened to everything else, and it is here that the framework's prediction earns its keep.

**The plate and the jewels went immediately, and by separate commission.** When the king's agents reached Bury St Edmunds early in 1538 they wrote back to Cromwell reporting that they had found a rich shrine, very cumbrous to deface, and had stripped the monastery of over five thousand marks in gold and silver besides a rich cross studded with emeralds and other stones of great value — adding, in the way of men reassuring a superior, that they had left the church and convent well furnished with silver plate. At Canterbury in September 1538 the shrine of Becket was dismantled and its treasure carried away in chests which took six men apiece to lift; the quantity of gold and silver is variously and unreliably reported, the largest figures coming from hostile continental accounts and not to be trusted.

**The bells went.** They were bronze, they were heavy, they were worth money by weight, and they were sold.

**And the lead came off the roofs.** This is the detail that ought to be in the framework by name, because it is the point at which extraction becomes elimination and can be seen doing it.

Stripping lead was, considered by itself, entirely rational: a great monastic church carried many tons of it, lead had a ready market, and the crown was short of money. But lead is also the thing that keeps a stone building alive. Take the roof off an English abbey and within a decade the frosts have got into the vaulting, the timbers have rotted, the walls have started to come down, and the fabric is beyond any economic possibility of restoration. The commissioners' instructions were to deface and dismantle, and the object was explicitly that the houses should not be capable of being reoccupied.

That is not asset-stripping. That is *demolition performed for a reason*, and the reason is exactly the one the framework identifies. A flow-extractor preserves the producer because he needs next year's crop. A stock-extractor has no next year, and the survival of the former owner's plant is a standing risk: a roofed abbey is a building a community could walk back into if the wind changed. An unroofed one is a ruin.

Within twenty years the wind did change. Mary restored the doctrine completely and refounded a handful of houses. She could not refound the rest, and one of the reasons — beside the reason this study has already given, that the land had been sold — is that there was nothing left to go back to. The roofs were off.

**The roofless abbey is the physical signature of stock extraction, and it is legible on the ground in England five centuries later.**

And the books went with the buildings. The monastic libraries — the accumulated manuscript holdings of eight centuries — were dispersed, sold by weight, used as binding waste and wrapping paper. John Leland's attempts to rescue what he could are the record of what was lost. That is not a fiscal act at all; it is what happens when nobody in the transaction has any interest in the thing surviving.

## The second stock, taken because the first had run out

By 1545 the crown had spent the monasteries and was at war, and it went looking for another stock. It found one, and the way it took it closes a circle this study opened in its second module.

The Act of 1545 vested the chantries and colleges in the king — with a limitation that repays attention: *for as long as he should live*. Even at this stage the drafting hedged. Henry died before much was done, and it was his son's parliament that completed the work with the Act of 1547, which suppressed chantries, free chapels, colleges, fraternities, brotherhoods and guilds together, and vested their possessions in the crown.

The traditional figures are 2,374 chantries and guild chapels, some ninety colleges and around a hundred and ten hospitals or almshouses, and the scholarship holds that these are probably underestimates. The total value taken was well below the monastic figure.

But the *ground* of the 1547 taking is the point, because it is the doctrine-as-title-deed argument arriving at its terminus. These foundations were suppressed on the express basis that their purpose was superstitious — that they existed to pay for masses for the dead, and that masses for the dead do not do what they were said to do.

Set that beside what the landscape module established. The greater part of the church's wealth was there because people had given it in exchange for prayers; the land was held on a consideration, and the consideration was a service performed for the dead. If the service is worthless, the consideration fails, and the endowment is void.

The chantries were the pure case — endowments held for no purpose whatever except the singing of masses for named souls. So the chantry legislation is where the argument runs to its conclusion without any complicating facts, and where the sequence becomes undeniable. First the doctrine was made false. Then the endowments resting on it were declared void. Then they were taken.

And what came with them was the ordinary furniture of English town life: the guilds and fraternities whose funds paid for the lights and the obits but also for the schoolmaster, the almshouse, the bridge repair and the annual feast. A great many small endowments that had accreted over two centuries went into the crown in a single

motion, because they could all be described as superstitious if anyone was determined enough to describe them that way, and somebody was.

## Where it went

The accounting for the whole windfall is short and it is not in dispute in its outline, only in its numbers.

It went on war.

From 1542 the crown was fighting Scotland; from 1543 it was fighting France as well. Boulogne was taken in September 1544 and then had to be held, garrisoned and fortified at a cost greater than the taking. The English foreign policy of the 1540s is commonly costed at something around £2 million; one reckoning of total military outlay across 1544 to 1551, including the continuation under Edward, exceeds £3.5 million. Against a normal crown revenue of the order of £110,000 to £150,000 a year, those figures are not comparable to anything in the ordinary accounts. They are of a different order.

To meet them the crown did four things at once.

It **sold the land**, on a standard basis of about twenty years' purchase, until by Henry's death in January 1547 something like two-thirds of the monastic estate had passed out of royal hands.

It **took the new clerical flow**, which continued but was nowhere near sufficient.

It **taxed** through parliament, at rates and frequencies that were high by Tudor standards and still produced sums in the hundreds of thousands rather than the millions.

And from 1544 it **debased the coinage**. The silver standard, traditionally 92.5 per cent fine, was cut to 80 per cent, then further, and under Edward further still, until some issues were largely base metal and the king's nose showed copper through the worn silver wash, which is where "Old Coppernose" comes from. The crown took the difference between the face value of the new coin and the metal in it. The profits are variously computed and are large.

And it **borrowed** on the Antwerp market, at rates that reflected what the lenders thought of the borrower.

**Set the sum out and it is this.** The largest transfer of landed property in English history since the Conquest; plus a new perpetual tax on the entire clergy of the realm; plus the plate, jewels, bells and lead of eight hundred religious houses; plus the endowments of some two thousand more foundations; plus the profits of systematically debasing the currency; plus heavy foreign borrowing. And at the end of it the crown was poorer than it had been in 1509, the coinage was wrecked and would

take Elizabeth a decade to repair, and Boulogne — the object of the whole exercise — was handed back to France in 1550 for a payment.

## Why it went that way

The obvious verdict is stupidity, and Frederick Dietz, whose reconstruction of Tudor finance is still the foundation of the subject, came close to it. That is not the finding this module offers, because a verdict on Henry's judgment explains one man and a structural account explains a class of cases.

Three things were operating.

**A stock cannot be spent slowly unless an institution exists whose function is to stop it, and none did.** What existed instead was the Court of Augmentations — and the framework should note carefully what that court was *for*. It received, surveyed, leased and **sold**. Its officers were auditors and receivers and its business was disposal. There was no department of state whose purpose was to accumulate, and no fiscal theory that would have suggested one. In the accounting of the day a receipt was a receipt: the sale of a manor and a year's rent from the same manor appeared in the same column, and nothing in the books showed that one of them would not be there next year.

**A war is the perfect solvent for a windfall.** It is the only major expenditure that has no natural stopping point, produces no asset, and can absorb any sum offered to it. A ruler who acquires a very large amount of money and is at war will spend it, because the war will take whatever there is.

**And — this is the finding that matters most and it is uncomfortable — the crown's most valuable political use of the land was to give it away.** Module 2 established that the irreversibility of the whole settlement came from sale: from putting several thousand families into a position where their title was good only if the statutes were good, and who therefore acquired an entirely commercial interest in the permanence of the Reformation. That result and the fiscal result were mutually exclusive. Land held by the crown enriches the crown and makes nobody a partisan. Land sold to the gentry impoverishes the crown and manufactures a constituency.

Henry took the second, and there is no evidence he chose it as a strategy — he sold because he needed money now. But the structural consequence is real regardless of intention, and it should be stated as a general proposition: **a ruler who keeps a seized stock keeps the money and does not get the constituency; a ruler who sells it gets the constituency and loses the money.** The two cannot both be had, and the case suggests that the second may be worth more.

## The counterfactual, and who actually paid

There is a well-worn argument that if the crown had kept the monastic lands its ordinary revenue would have roughly doubled and become permanently independent of parliamentary supply — and that the entire subsequent constitutional history of England, which turns on the fact that the Stuarts had to keep calling parliaments for money, would have gone otherwise. The argument has been made and contested and it should be named rather than adopted: it depends on assumptions about administrative capacity, about whether a crown estate of that size could have been managed without leaking, and about whether a solvent monarchy would have behaved as the counterfactual requires. This study does not resolve it.

What this study can say is narrower and firmer, and it concerns who bore the cost of the spending rather than who received the windfall.

The stock was taken from an institution. But the *spending* of it was financed, in its final and largest phase, by debasing the currency — and debasement does not fall on institutions. It falls on everyone who holds coin, which in a monetising economy is everyone who works for wages. Prices rose; the penny in a labourer's hand bought less each year; and the second half of the sixteenth century saw English real earnings fall further than at any point in three centuries, from a peak they would not recover until the nineteenth.

**So the extraction was made from the church and the cost of consuming it was distributed across the population by the mint.** That belongs in the framework as a general mechanism: a stock seized and then spent through debasement converts a one-time institutional loss into a diffuse, prolonged and largely invisible popular one, and does so in a form that nobody can petition against, because there is no assessment, no collector and no rate — only prices that are somehow higher this year than last.

It is worth setting that beside the previous module's ledger. The ordinary Englishman lost his holy days to an injunction, his customary landlord to a purchaser, and then the value of his wages to a mint. None of the three arrived as a demand. All three arrived as conditions.

## Reading extraction against the framework

Five things, of which the second is the cleanest confirmation the collection has obtained of an existing claim and the fifth is new.

**Stock extraction tends toward elimination — confirmed, and with a physical signature that other studies can look for.** The abbeys were not merely emptied of their income; the plate was taken, the bells melted, the books dispersed, and the lead

stripped off the roofs so that the buildings could not be reoccupied. That last act was performed knowing what it would do. The reason is structural: an extractor who has taken a stock has no further yield to protect and every reason to ensure the former owner cannot return. **Where a study finds a taking followed by deliberate destruction of the productive plant, it is looking at stock extraction; where it finds the plant preserved and the operator left in place, it is looking at flow. The ruin is the diagnostic.**

**And the two forms ran side by side here, which is as close to a controlled comparison as history offers.** Same church, same crown, same decade, same commissioners in some cases. The secular clergy were subjected to a permanent tenth and left entirely intact — no benefice suppressed, no parsonage unroofed, an office built to collect the money for ever. The regular clergy were taken as a stock and eliminated within four years, plant and all. Nobody decided that these two branches of one institution deserved different treatment. **The difference in behaviour was produced by the difference in the form of the asset, and by nothing else.** That is the strongest evidence the framework has that the flow/stock distinction is describing something real rather than sorting cases after the fact.

**Legibility precedes extraction in both forms, and one survey can serve both.** The *Valor* made the tenth assessable and the £200 line draftable in the same document.

**A windfall becomes permanent revenue only if an institution exists whose function is to prevent its being spent, and the default is that no such institution exists.** The Court of Augmentations was a disposal office; its officers were rewarded for transacting, not for holding. **Where an order seizes a stock and builds an office to handle it, read the office's mandate: if the mandate is to sell, the stock will be spent, and the rate of spending will be set by the office's design rather than by the ruler's character.** This is a more useful thing to know about a regime than any estimate of its greed.

**And the political value of a seized stock may lie precisely in giving it away — which means the fiscal and political returns are in direct competition.** This is the module's addition and it modifies Module 2 rather than repeating it. Selling produced the class of defenders that made the settlement irreversible; keeping would have produced a solvent and independent crown. The two were mutually exclusive and Henry, without appearing to weigh it, took the one that mattered more in the long run and less in his own lifetime. Whether any ruler has ever made that trade deliberately is a question this case cannot answer and which other cases in the collection should be asked.

Two disciplines to close.

The first is against the "wasted it on vanity wars" verdict, which is satisfying and largely useless. War was the ordinary business of monarchy; Boulogne was a rational objective in the terms of 1544; and the Tudor fiscal system possessed no mechanism whatever for banking a windfall, no concept of capital as distinct from income, and no accounting convention that would have made the distinction visible to the men keeping the books. A government that cannot see the difference between selling a farm and harvesting it will spend the farm. Legibility is not pardon, and neither is it condemnation: it is an explanation of why the money went where money in that position goes.

The second is against reading the whole operation as a fiscal one, which is the oldest and least accurate account of the English Reformation. The crown gained a great deal and lost most of it in six years. What it kept permanently was not money. It was a perpetual tax on the clergy, an apparatus of ecclesiastical government, and — most durably of all — several thousand landed families whose deeds were only as good as an Act of Parliament. The money was spent. The constituency was not, and the constituency is what the next modules are about.

*A note on sources.* Quoted or closely reported from public-domain primary material: the First Fruits and Tenths Act of 1534 (26 Hen. VIII c. 3), whose long title describes the payment of first fruits of all dignities, benefices and promotions spiritual together with *one annual Pension of the tenth Part of all the Possessions of the Church, Spiritual and Temporal, granted to the King's Highness and his Heirs*; the Dissolution of Colleges Act of 1545 (37 Hen. VIII c. 4) and the Act of 1547 (1 Edw. VI c. 14), the latter enumerating chantries, free chapels, hospitals, colleges, fraternities, brotherhoods and guilds among the foundations vested in the crown; and the report of the commissioners at Bury St Edmunds in 1538 on stripping the monastery of over five thousand marks in gold and silver besides a rich cross studded with emeralds, which is given here as calendared and summarised in the *Victoria County History* from the letter to Cromwell rather than as a direct transcript, and should be treated accordingly.

Paraphrased and credited to modern scholarship: Frederick Dietz's *English Government Finance, 1485–1558* remains the foundation for the fiscal reconstruction and for the argument that the debasement was adopted purely to supply ready money; J. D. Gould's *The Great Debasement* and the subsequent monetary literature, including John Munro's re-examination, for the mechanics and profitability of the debasements and for the disagreement over whether the episode should be dated from 1542 or 1544; H. J. Habakkuk and Joyce Youings on the land market and the terms of sale; the standard accounts of the Court of Augmentations and the Court of First Fruits and Tenths; and the substantial literature on the chantry certificates and what the

dissolution of the chantries and guilds took from town life. The long-running argument about whether the crown ought to have retained the monastic lands, and what an independently solvent monarchy would have meant for the constitutional history of the following century, is named here and deliberately not resolved.

Contested figures are given as ranges and several should be held very loosely. The annual yield of first fruits and tenths is commonly given at something in the region of £30,000 to £40,000 in the early decades and rests on incomplete series. Ordinary crown revenue is given at £100,000–£150,000 depending on date and on what is counted. Expenditure on the wars of the 1540s is given at about £2 million on one common reckoning, with total military outlay 1544–51 exceeding £3.5 million on another that includes the Edwardian continuation; these are reconstructions, not accounts. The profits of the debasement are disputed in both magnitude and method of calculation. The proportion of monastic land alienated by 1547 is conventionally about two-thirds and is an estimate. The chantry figures of 2,374 chantries and guild chapels, roughly ninety colleges and around a hundred and ten hospitals are the traditional totals and are held by the scholarship to be underestimates. Reports of the quantity of treasure taken from Becket's shrine vary wildly between sources and the largest figures come from hostile continental accounts; no figure is asserted here. Real-wage series for the sixteenth century are contested at every point, as discussed in the previous module. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 7

# The Minute of the Letter Sent to My Lord of Norfolk

*Information and suppression — a seam running vertically through one society instead of horizontally between two, the four channels the crown took and the one it could never close, and why this archive survives when a colony's would have burned*

## Where the seam runs when there is no distance

In every colonial case this collection has examined, the seam is a measurement in miles. What is done in the reserve and what is said in the metropole are three thousand miles apart, and the order's standing task — running the whole length of its life, absorbing a large part of its administrative energy — is to keep the two ends from meeting in the sight of the audience at home whose belief funds the enterprise. The dangerous reader is not the conquered man, who lives the thing and needs no document to know it. It is the citizen at home, who knows only what reaches him.

None of that applies here, and working out what replaces it is the module's job.

There was no distance. When the abbey at Jervaulx came down, it came down in the dale where the people who had worshipped in it lived. Nobody in the North Riding required a newspaper to learn that the roof had gone off. When the commissioners rode into a village to take an inventory, the village watched them do it. When seventy-four men were hanged in the towns where they dwelt in the spring of 1537, they were hanged in front of the people who had known them, which was the point.

So the seam here does not run horizontally between two societies. It runs **vertically through one**, along the lines of literacy, language, office and access — between the people who could read the record and the people who could only see the event.

And that changes what suppression is capable of, in a way that should be stated as a general rule before the evidence.

**A colonial order can suppress the event, because the event happens where its audience is not. An insider's order cannot suppress the event, because the event happens in front of everybody. What it can control is the account of the event, the written record of it, and — this is the distinctive part — what the past is permitted to have been.**

The crown took four channels. It could not take the fifth. And the archive of the whole operation survives, for a reason that ought to disturb anybody who works from archives.

## Channel one: the returns that were not laid on the table

The most consequential act of information management in the whole decade was a decision not to publish something.

Parliament assembled on 4 February 1536 and was asked to suppress the smaller religious houses. The Act it passed recites that the king, *having knowledge that the premises be true, as well by the accounts of his late visitations, as by sundry credible informations*, has thought good that a plain declaration should be made of the premises to the Lords spiritual and temporal and to the Commons.

Read the grammar of that clause carefully, because parliament's own drafters were careful with it. The Lords and Commons are not stated to have found anything. They are stated to have received *the king's declaration* that he knows the charges to be true, on the strength of his visitations and of credible information. The responsibility for the finding is placed, in the statute, entirely on the crown.

A digest of the visitors' *comperta* was laid before the House. The underlying returns — the depositions, the house-by-house findings, the papers on which the digest rested — were not. Cardinal Gasquet made the argument in the 1880s that they cannot have been, and his reasoning is still the sharpest thing said about it: the same preamble that condemns the small houses declares that in the great and solemn monasteries of the realm religion was right well kept and observed, and that assertion could not have survived contact with the actual *comperta*, which made no such distinction. Gasquet was a partisan and much of his case has been contested; this particular inference stands up better than most of it and should be given as his and as contested.

**The finding is that the information asymmetry was manufactured inside the legislature.** Not between the government and the public, and not between the metropole and a distant province, but between the executive and the body whose consent it required — the very audience for which, as Module 3 established, the entire robe had been cut. Parliament was legislating the largest transfer of property in English history on the basis of a summary prepared by the party with the interest, and it did not ask for the papers.

That is a template rather than an episode, and it is the one an insider's order will reach for first, because it is free: **you do not need to censor a finding you never tabled.**

## Channel two: a weekly broadcast network reaching every parish

The second channel was already built when Henry took it, and it was the most valuable communications asset in Europe.

Consider what the English parish system was, as an instrument for distributing information. Some nine to ten thousand outlets. Compulsory attendance. A trained speaker in each one. A fixed weekly slot at which the entire adult population of the realm was assembled in one room, in every settlement in the country, simultaneously. No European state in 1534 possessed anything remotely comparable, and no state would possess anything comparable again until the invention of broadcasting.

The crown acquired it entire in 1534, and set about using it at once.

Thomas Cromwell was made vicegerent in spirituals in 1535, which put the whole apparatus under a layman answering directly to the king. Preaching was brought under government licence. In April 1535 royal letters went to the bishops, the justices of the peace and the nobility ordering them to imprison clergy who continued to preach the pope's authority — and the letters came flooding back, reporting arrests made and asking for further instructions. The Injunctions of 1536 required the clergy to preach the royal supremacy and to preach against the usurped authority of the bishop of Rome. The bidding prayer was rewritten. Paul's Cross in London, the open-air pulpit in the cathedral churchyard, became the government's public face, and remained so until it was pulled down on the eve of the civil war.

And the vulnerability of the channel is visible in the very measures taken to secure it. **The pulpit works in both directions**, and it was staffed by the men whose institution was being taken apart. A priest who wished to attack the supremacy had, every Sunday, the same access to the same audience as a priest who wished to defend it. Hence the licensing; hence the imprisonment orders; hence the standing surveillance of what was said in sermons, which fills the enforcement records of the decade.

**Which is the module's first structural observation.** A regime that owns a channel and does not trust the people operating it must watch the channel — and watching a channel you own is a more revealing expenditure than watching one you don't, because it means the capture was institutional rather than personal. Henry had every priest in England obeying him and could not rely on a word any of them said.

## Channel three: print

On 16 November 1538 — the same month as the Becket proclamation — a royal proclamation established the first general system of pre-publication licensing in England.

Its provisions were precise and the precision is diagnostic. Nobody was to import, sell or publish English-language books printed abroad. Nobody was to print any book in English concerning holy scripture unless it had first been examined and approved by an authorised person, and the examiner's name and the printer's were to be noted in the book itself. Books of scripture carrying annotations required approval at a higher level still.

Look at what that targets. Books in **English**. Printed **abroad**. On **scripture**. With **annotations**.

That is not a general anxiety about printing. It is an exact description of one thing: the Antwerp presses, and the annotated English New Testaments that had been coming out of them since 1526 — Tyndale's, whose marginal notes were what made them dangerous, and whose translator had been strangled and burned two years earlier.

And the timing is the point this study has already made from the other direction. Pre-publication licensing arrives in November 1538. The injunction requiring the Great Bible in every parish church had gone out in September 1538. The Great Bible itself was printed in April 1539.

**The government was simultaneously publishing the text and licensing everything printed around it** — which is precisely the position Module 4 predicted it would be forced into. Having made the source available, it could no longer control interpretation by controlling access; the only remaining lever was to control the *apparatus* of interpretation, the notes, the commentaries, the ballads and the imported editions. The Act for the Advancement of True Religion of 1543 is the second and more desperate attempt at the same manoeuvre, complaining of printed ballads, rhymes and songs by which malicious minds have subtly and craftily instructed the king's people, and specially the youth of this his realm, untruly.

The machinery was thin. Of something over two thousand titles printed in Henry's reign, only a few hundred held privileges, and the honest verdict of the historians of censorship is that whatever was brought to bear between 1530 and 1547, the voices of heresy and criticism were not stilled. But the precedent stood, and pre-publication licensing in one form or another governed English printing until 1694.

## Channel four: the past

And now the channel that distinguishes this case from every other in the collection, and which the framework does not currently name.

The Henrician government did not only control what was said. It controlled what could be found to have been true.

Becket was struck from the calendar and the proclamation of 16 November 1538 ordered his name and services *rased and put out of all the bokes* — and the erasures were carried out, in parish service books and in private books of hours, by hand, down to the vellum. Papal bulls and privileges were called in. The monastic archives went into the crown with the houses. The monastic libraries — the accumulated manuscript holdings of eight centuries, in many cases the only surviving copies — were dispersed, sold by weight, and used as binding waste; what John Leland managed to collect on his travels is the measure of what was not collected.

This is a different operation from censorship and deserves its own name. **Censorship controls what may be said now. This controls what may be discovered to have been the case then.** And an order which has chosen to legitimate itself in the past tense has a specific and unusual requirement for it.

Go back to the robe. *This realm of England is an empire, and so hath been accepted in the world. Justly and rightfully is and ought to be. Recognising no superiority under God, but only your Grace, hath been, and is. Divers sundry old authentic histories and chronicles.* Every load-bearing claim in the Henrician settlement is a claim about the past — that nothing new has been done, that a usurpation has been removed, that the crown's freedom from earthly subjection is a historical fact recoverable from the record.

An order whose title is a historical claim has to police history, because history is where its title is kept. A saint who died resisting a king is a counter-title in the calendar; monastic chronicles are counter-evidence in the archive; papal privileges are counter-deeds in the muniment room. Taking them out is not vandalism and it is not spite. **It is title maintenance**, and it is the exact analogue of the settlement module's finding that the doctrine had to be attacked because the doctrine was the title deed. Here the *history* is the title deed, and it is edited for the same reason.

The general rule to carry: **an order that legitimates by restoration will police the past rather than the news, and the tells are erasures in calendars, recalled charters, seized or dispersed archives, and rewritten chronicles.** Where a study finds those, it is looking at a regime whose claim is historical and which knows it.

## What could not be taken

Three things, and they are why none of this amounted to control.

**The event.** The single most important limit and the one that flows directly from the absence of distance. A man in Coverdale could be told from the pulpit that religion in the great and solemn monasteries was right well kept and observed, and could then walk past Jervaulx and see the roof gone. No preaching alters what a person's own eyes report about his own parish, and the whole northern rising was fed by exactly this — by

people acting on what they had seen and on what they had heard from others who had seen it.

The government understood this and tried to trace it, and the attempt produced one of the most revealing documents of the decade. On 22 February 1537 the commissioners Layton, Legh and Petre re-examined Sir William Morland, a priest and formerly a monk of Louth Park, specifically to find out where a particular rumour had started — the rumour, as the interrogatory puts it, *of taking away of chalices and leaving but one church standing within six or seven miles.* Morland's answers walk backwards through a chain of ordinary conversations: something a bishop's commissary's scribe had said to the priests at Louth; something the parson of Conisholm had said on the Saturday before the rising, that they would deprive the clergy of their benefices because they wanted the first fruits, and that he would rather lose benefice and all than pay first fruits again; and then a dinner in Grimsby at which three or four men came in, and a shipman of Hull said:

> *Marry, we hear at Hull that ye should have a visitation here shortly, and therefore we have taken all our church plate and jewels and sold them and paved our town withal, and so if ye be wise will ye do too and mend your town that is very foul withal.*

That is the information environment of 1536 caught exactly. A visitation is coming. Hull has already sold its plate and paved the streets with the proceeds rather than let the commissioners have it. You should do the same. It is not propaganda and it is not rumour in the dismissive sense; it is people telling each other what has happened elsewhere and what they intend to do about it, in a dining room, and the state can only find out about it afterwards by arresting somebody and asking.

**The oral and manuscript channel.** Licensing a printing press does nothing whatever to a song. Ballads, prophecies, rhymes, alehouse argument and manuscript circulation lay entirely outside the reach of every instrument the crown possessed, and the crown knew it. The 1543 Act names printed ballads and rhymes as the danger; and Henry, in December 1545, described the failure himself in the sentence this study has already given, complaining that the word of God was disputed, rimed, sung and jangled in every alehouse and tavern. A government that has to legislate against songs has lost the channel.

**And the resident foreign observer** — which is the aperture an insider's order cannot close, and which the framework should carry as a permanent feature of this case type.

Eustace Chapuys was the emperor's ambassador in London from 1529 to 1545. He was hostile, extremely well informed, in regular contact with the discontented, and he wrote home in detail throughout — his despatches are among the most important sources we have for the entire reign. He was, in effect, a permanent intelligence station operating inside the capital with diplomatic immunity, and the crown could not close him without a rupture with the emperor that it could not afford at any point in the decade.

Beyond him stood the exile. Reginald Pole, safe in Italy, was asked for his opinion on the king's proceedings and answered in 1536 by publishing *Pro ecclesiasticae unitatis defensione* — a denunciation of the supremacy which went on to urge the princes of Europe to depose Henry. The crown's response is the measure of its impotence on this channel: unable to reach Pole, it destroyed his family in England. His brother Lord Montagu was executed in January 1539; his mother, the Countess of Salisbury, the last Plantagenet, was beheaded in 1541 in a botched execution that horrified even by the standards of the age.

**A conqueror controls who is present in his territory. A European monarchy cannot: it must host ambassadors, and an ambassador is an unclosable hole in the seam.** Expect, in any insider case, that the best hostile evidence will come from the resident diplomat and the foreign exile — and expect the regime's response to the exile to be directed at whatever of his is within reach, because that is the only lever it has.

## And the archive survived, and that is not a compliment

Now the turn, and it is the module's most useful finding for anyone who uses this collection.

The Kenya study ends with an archive destroyed: files burned at independence, crates weighted and dropped into deep water, papers spirited to England, all so that the metropole would never read what the trust had done. That is what a regime does with its record when it can see the end coming and can control the disposal.

The Henrician record was not destroyed. It survives on a scale unmatched by any European government of its century: the *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII* runs to twenty-one volumes and addenda, and this study has been able to set an act of parliament beside a commissioner's letter, and a king's instruction beside his lieutenant's reply, over and over, because both halves are in the file.

**And the reason the file exists is that the man who kept it was executed.**

Thomas Cromwell was arrested at the council table on 10 June 1540, attainted without trial, and beheaded on 28 July. His papers at Austin Friars were seized by the

crown as the goods of a traitor. What was seized was his working correspondence — and specifically his *in-tray*, the letters written **to** him, which is why the collection has its strange and priceless shape: thousands of reports from commissioners, denunciations from neighbours, petitions, pleas, intelligence and gossip, and comparatively little of what he sent back.

On one of the few outgoing drafts that does survive, a clerk in the office wrote a docket. The draft is the letter of 22 February 1537 in which the king approves the displaying of the banner, instructs that the course of the laws must give place to martial law, and orders such dreadful execution upon a good number of the inhabitants, hanging them on trees and quartering them and setting their heads and quarters in every town, as shall be a fearful warning. The endorsement reads:

> *The minute of the letter sent to my lord of Norfolk, the 22nd of February.*

Filed. Docketed. Kept. And still there four hundred and eighty years later, because the government that wrote it went on being the government, and because the office that held it passed intact to the men who destroyed its master.

**So the general finding, and it should be stated plainly because it cuts against a natural assumption: the survival of a state's records is not a measure of that state's openness. It is very largely a function of what happened to its record-keeper.**

A regime that ends by orderly succession, with its officials in place and its reputation to consider, destroys what embarrasses it — and has both the time and the authority to do so. A regime whose archivist falls suddenly has his papers impounded by successors who want the property, have no interest in curating the contents, and file the lot.

And the corollary should make anyone working from archives uneasy, this collection included. **The cases we can study in this kind of detail are not a random sample of cases. They are, disproportionately, the cases in which somebody's papers were confiscated.** We know what the Henrician government was doing week by week because Cromwell was attainted. We do not know the equivalent about a great many governments that were, on the evidence available, doing similar things and managed their own succession better.

## Reading information and suppression against the framework

Five contributions.

**Where there is no distance, the seam runs vertically and the suppressible object changes.** A colonial order suppresses the *event*, because the event happens where its audience is not. An insider's order cannot suppress the event and does not try; it

suppresses the *account*, the *record* and the *past*. The diagnostics change accordingly: look not for a censored despatch from a distant province but for pre-publication licensing, for underlying returns that were digested and never tabled, and for erasure in the historical record.

**The cheapest suppression is non-publication, and it is aimed at the legislature rather than the public.** Parliament in 1536 voted on a summary supplied by the interested party, on the express footing that the king declared the charges true. Nothing had to be censored, because nothing had been published. Where a study finds an assembly consenting to a large taking, it should ask what the assembly was shown — and expect the answer to be a digest.

**An order that legitimates by restoration must police history rather than news.** Its title is a claim about what has always been, and history is therefore where its deeds are kept. The erasure of Becket from the calendars and the private books of hours, the calling-in of papal privileges, and the dispersal of eight centuries of monastic archives are one operation with one purpose, and it is the same purpose as the attack on purgatory: removing the counter-title. **Where the robe is in the past tense, expect the archive to be edited.**

**The insider's information system has an aperture a conqueror's does not: the resident foreign observer.** Chapuys in London for sixteen years, writing home in cipher; Pole in Italy, printing. Neither could be reached, and the crown's inability to reach Pole is why it killed his mother. In any case of this type, expect the best hostile testimony to come from ambassadors and exiles, and expect reprisals against whatever of theirs lies within the jurisdiction.

**And archive survival is a function of the archivist's fate.** This is the finding with the widest application beyond this study. It is also a warning about the method: **the record this collection reads is not a neutral deposit.** The *comperta* are the visitors' account of the houses they were sent to condemn. *Letters and Papers* is one minister's in-tray, preserved because he was attainted. Even this study's central technique — statute preamble against commissioner's letter — works only on materials the government itself created for its own purposes and kept for its own reasons. There is no neutral archive anywhere. There is a state's paperwork, preserved by accident, and read against itself; and the reading against itself is the whole of the method, because it is the only leverage available.

Two disciplines to close.

The first is against calling any of this totalitarian, which would be anachronistic and would misdescribe the machinery. The apparatus was thin, frequently ignored, and demonstrably failed at its principal task: the criticism was not stilled, the ballads went

on being sung, the north rose anyway, and the king spent his last speech to parliament complaining that people would not stop arguing about scripture. A government with nine thousand pulpits, a licensing system and a treason law still could not stop a rumour reaching Louth from Hull by way of a dinner in Grimsby.

The second is against the mirror error, which is to conclude from the thinness that it was harmless. A man could be hanged for what he said in a tavern; a priest could be imprisoned for what he preached; a translator was strangled and burned abroad for a book that the same government printed three years later and chained in every parish in England. That the machinery was leaky did not make it survivable for the individual who fell into it. Both things are true at once and neither cancels the other, which is the condition this study has been in since its first page.

*A note on sources.* Quoted exactly from public-domain primary texts: the preamble of the Act for the Dissolution of the Lesser Monasteries, 1536 (27 Hen. VIII c. 28), at the passage on the king *having knowledge that the premises be true, as well by the accounts of his late visitations, as by sundry credible informations*, and its declaration concerning the great and solemn monasteries; the royal proclamation of 16 November 1538 ordering Becket's services *rased and put out of all the bokes*, quoted from the Berthelet printing as reproduced in nineteenth-century public-domain form; the preamble of the Act for the Advancement of True Religion, 1543 (34 & 35 Hen. VIII c. 1), on printed ballads and rhymes and *specially the youth of this his realm*; and, from *Letters and Papers, Foreign and Domestic, Henry VIII*, vol. xii pt. 1, ed. Gairdner (1890), the re-examination of Sir William Morland of 22 February 1537 (no. 481), including the interrogatory concerning the rumour *of taking away of chalices and leaving but one church standing within six or seven miles* and the reported words of the shipman of Hull, together with the endorsement on the draft of the king's letter to Norfolk of 22 February 1537 (no. 479), *The minute of the letter sent to my lord of Norfolk, the 22nd of February*. As stated in earlier modules, *Letters and Papers* is a calendar rather than a transcript; Gairdner abstracts and sets material he quotes directly in inverted commas, and the quotations above follow his text.

Paraphrased and credited to modern scholarship: G. R. Elton's *Policy and Police* for the enforcement machinery, the licensing of preachers, the flow of royal letters to justices and the returning reports of arrests, and for the characterisation of Cromwell's propaganda effort as the first such campaign mounted by any European government — a characterisation which has been qualified by later work arguing that the effort began earlier than Elton allowed; Ronan Deazley and the copyright-history scholarship on the proclamation of 16 November 1538 and on the establishment of pre-publication licensing, including the observation that the licensing system was decoupled from

questions of ownership and that its practical effect on the content of print was limited; the standard accounts of Paul's Cross as the government's public pulpit; Cardinal Gasquet's argument that the *comperta* cannot have been laid before the Commons, which is his and is contested, and which is given here as an inference rather than as established; the standard treatments of Chapuys's despatches and of Pole's *Pro ecclesiasticae unitatis defensione* of 1536; and John Leland's antiquarian salvage of monastic manuscripts.

Contested points are flagged. The number of English parishes is given at nine to ten thousand and is an estimate discussed elsewhere in this study. The count of titles printed in the reign and of those holding privileges is given approximately and derives from bibliographical surveys whose totals differ. Whether the digest of the *comperta* placed before parliament in February 1536 accurately represented the underlying returns is precisely the disputed question and is not resolved here. The extent to which the 1538 licensing proclamation was enforced is disputed, with the weight of recent opinion holding that its practical bite was limited. The dating of Cromwell's propaganda campaign, and the prior question of how much of the Henrician programme should be attributed to Cromwell rather than to the king, are live disagreements named elsewhere in this study and not resolved. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 8

# The Benches Where the Abbots Sat

*Elite coordination and the default — the hierarchy re-run after the settlement, what each rank held and what it held it under, why men trying to destroy each other never once disagreed about property, and the two reversals that tested it*

## What a default is, and what this module is not about

The previous modules have been about the man at the bottom — what the arrangement cost him, what it gave him, and why he could not walk away from it. This one is not about him at all. It is about the several thousand people in the country who had standing and means, and it asks a different question: not why they obeyed, but why they *coordinated*.

The observation the framework rests on is this. The hierarchies that lasted a long time were not held together by loyalty, or by shared conviction, or by a ruler's ability to police his own elite. They were held together by an arrangement in which each person defending his own position was, without needing to intend it or even to notice it, defending the whole. Nobody has to like anybody. Nobody has to believe anything in particular. If the structure is built so that every man with a stake would be worse off if the structure fell, then the structure is defended by default — as the aggregate by-product of several thousand people looking after themselves.

Where that has been achieved, an order can survive the death of its founder, the reversal of its official beliefs, the incompetence of its rulers and a civil war, because none of those things touch the thing that actually holds it up.

And where it has not been achieved — where some group with standing and means finds that the arrangement has stopped paying it — that is where the fracture comes from. Not from the bottom. From inside.

So the method of this module is a survey. Walk the hierarchy of England as it stood after 1540, rank by rank, and ask of each the same three questions.

*What does he hold? What does he hold it under? If this arrangement were reversed tomorrow, would he be better off or worse?*

## The hierarchy, re-run

*The crown*

Henry ended with a jurisdiction, a permanent tax and no money.

The supremacy was, by the express words of the Act of 1534, *annexed and united to the imperial crown of this realm* and vested in the king and his heirs and successors. That drafting has consequences the previous modules noted and this one collects: the headship of the church was made a piece of heritable crown property, like the duchy of Lancaster or the right to coin. It descended. And a successor who wished to repudiate it was therefore not merely changing a policy but alienating part of the crown's own estate — which is precisely why Mary could not simply announce that she was not supreme head, and had to have parliament repeal it by statute.

Beside that stood the perpetual tenth on all ecclesiastical income, with its own court to collect it, and the power to appoint bishops directly. Against it stood the fact, established in Module 6, that two-thirds of the land had already been sold by 1547 and the money spent on Boulogne.

**Position: the crown gained a permanent constitutional asset and lost the fiscal one. Reversal costs it the jurisdiction, the tenth, and the appointment of its own bishops.**

*The lay peers, and the benches*

Now the change that is almost never counted and may be the largest single realignment in the whole business.

Before 1539 the House of Lords contained two estates. The lords spiritual were the two archbishops, nineteen bishops, and a body of mitred abbots and priors summoned by writ. How many abbots is genuinely disputed — the older accounts give something in the region of twenty-five to thirty regularly summoned, some modern reckonings go considerably higher, and attendance was always well below summons. What is not disputed is the aggregate: **the spiritual lords, taken together, were a majority or very close to one over the whole temporal peerage.**

Between 1536 and 1540 the abbots ceased to exist. Not deprived, not excluded — their offices were abolished, and with them the writs. From 1539 the House of Lords consisted of the temporal peers and twenty-odd bishops, and the temporal peers were a majority for the first time in the history of the institution. They have never since been anything else.

Set that beside Simon Fish's complaint of 1529, quoted in the landscape of this study: *Are they not stronger in your owne parliament house then your silfe? whate a*

*nombre of Bisshopes, abbotes, and priours are lordes of your parliament?* Ten years later the answer was no, permanently, and every peer in England had received the change for nothing.

**Consider what kind of stake that is.** No peer asked for it. No peer was told it was a reward. It was never framed as a favour and therefore could never be characterised as a favour that might be withdrawn. It simply arrived, as a by-product of a measure whose stated purpose was the reformation of vicious living in small abbeys — and it altered the balance of the upper house of parliament in the lay nobility's favour, for ever.

And on top of it came the purchases, and the new peerages made out of the operation: Russell to Bedford, Seymour to Hertford and afterwards Somerset, Wriothesley to Southampton, Rich, Paulet, Dudley, Herbert, Cavendish. A layer of the Elizabethan and Stuart nobility was built on abbey land and knew it.

**Position: reversal means giving back the majority of the House of Lords and the estates. Catastrophic.**

*The bishops*

The bishops lost the most of anyone who survived, and were among the most reliable defenders of the settlement. That combination looks like a puzzle and is not, and the mechanism is the most instructive thing in the module.

What they lost: the appeal to Rome; the bulls that had made them (after 1534 a bishop was elected on a *congé d'élire* and consecrated on royal letters patent, which is to say appointed by the crown with a form of election attached); the independent legislative power of convocation, surrendered in the Submission of the Clergy in 1532; and across the following decades a great deal of their landed endowment, as sees were stripped by forced exchange, a process Elizabeth continued with enthusiasm.

What they gained: three things, and the first two are real. The exempt religious orders — houses answering to Rome or to a mother house abroad and outside episcopal jurisdiction altogether — were gone, and with them the bishops' oldest institutional rivals. The abbots were gone from the Lords, which made the bishops the entire spiritual estate rather than a part of it. And they were still bishops.

But the decisive fact is none of those. **The decisive fact is that a bishop after 1534 held his office from the crown, under the supremacy, by an instrument that recited the supremacy.** A bishop who denied the royal headship was not a bishop making a stand; he was a man denying the validity of the document that had made him. There was no position from which he could object that did not saw off the branch.

John Fisher was the exception, and he was killed.

This is why Stephen Gardiner — a doctrinal conservative who spent the 1540s trying to destroy the evangelical party, who upheld transubstantiation, who pushed through the Act restricting Bible reading in 1543 — nonetheless wrote *De vera obedientia* in 1535 in defence of the royal supremacy and never wavered on it for the rest of Henry's reign. There is no inconsistency to explain. His convictions were his own; his office was the king's.

**Position: reversal removes his see. Absolute, and it operates on men who dislike the settlement.**

*The gentry*

The numerical mass of the new order and its centre of gravity.

They bought. On the standard basis of twenty years' purchase, several thousand families acquired monastic estates; in Devon, on a detailed county study, well over half the monastic land went to local gentlemen. They already held the commission of the peace, which Module 5 established was the whole apparatus of local government in England, unpaid and expanding.

And they acquired something else with the land, which is the sharpest node in the entire hierarchy and deserves its own paragraph.

Monasteries had appropriated parish churches in enormous numbers: the house became the rector, took the great tithe — corn, hay, wood — and appointed a vicar to do the work on the small tithe. When the estates were sold, these rights went with them. The purchaser became the **lay impropriator**: he took the great tithe of the parish, and he held the right to nominate the man in the pulpit.

The scale is documented. By 1603, of 9,284 benefices in England, 3,489 were held by impropriators or lay rectors.

**More than a third of the parishes of England had a layman drawing the tithe and choosing the minister.** That single fact is worth more to this module than any amount of argument. It means that in over three thousand English communities the settlement had installed a gentleman with a permanent income from the parish, a permanent interest in the tithe system continuing, and control of the appointment to the cure of souls.

**Position: his land, his tithe and his patronage all rest on the same statutes. Reversal takes all three.**

*The lawyers*

Regularly omitted from accounts of the Reformation and structurally central to it.

Every one of those thousands of transfers required a conveyance, an enrolment, a recital of title and, sooner or later, litigation. Four new courts of record were created in a decade — Augmentations in 1536, First Fruits and Tenths and Wards and Liveries in 1540, General Surveyors in 1542 — each with its own chancellor, attorney, auditors, receivers and clerks, and each generating fees.

And the common lawyers gained a jurisdiction outright. Causes that had gone to the church courts came increasingly into the king's courts; the appeal that had gone to Rome now stopped in England; and the whole vast body of new statute law had to be construed by somebody.

The men are the proof. Thomas Audley, a lawyer, became Lord Chancellor. Richard Rich, a lawyer, became Chancellor of the Court of Augmentations and afterwards a baron. Thomas Wriothesley became Earl of Southampton. This was the great age of legal social mobility in England and the ladder was built out of the dissolution.

**Position: fees, offices and an expanded jurisdiction, all created by the settlement.**

*The new officialdom*

Beneath the lawyers, an administrative class that had not existed in 1529. Receivers in every county for the Augmentations. Auditors. Surveyors, particular and general. Collectors for the tenths. Several hundred salaried and fee-taking posts whose entire justification was the management of what had been taken.

**Position: their offices are the settlement. There is no version of a reversal in which they keep them.**

*The parish clergy*

The losers who stayed, and the group that tells us most about what the framework's rule actually requires.

They lost benefit of clergy in its broad form, sanctuary in 1540, the appeal, and — where the rectory had been impropriated and sold — the great tithe of their own parishes, which now went to a layman who paid them a stipend often fixed at an ancient value and eroding annually. They now owed first fruits on entry and a tenth every year thereafter, to the crown instead of to Rome. They gained nothing except the retention of their livings.

So: a large body of men, in every settlement in the country, with a real and continuing grievance.

And they did nothing, because they had no means. Convocation had surrendered its power to make canons without royal licence in 1532 and never got it back. They could not legislate, could not assemble on their own authority, could not appeal beyond the realm, and after 1539 had no representation in the Lords except twenty-odd bishops who held their sees from the crown.

**This is the framework's rule operating in its negative form.** The condition for fracture is a group with standing *and means*. The parish clergy had standing in every village in England and no institutional means whatever, and the settlement had removed the means deliberately and first. They remained a grievance and never became a threat.

*The dispossessed*

And the sharpest single move in the whole arrangement.

Between nine and twelve thousand monks, canons, nuns and friars were turned out of their houses. These were, on any ordinary reading, the people with the strongest possible motive to want the settlement undone: they had lost their homes, their vocations, their communities and their status in one stroke.

They were pensioned.

The pensions were charged on the revenues of the Court of Augmentations, assessed by rank and by what had been negotiated at surrender, and a great many of them were paid for thirty and forty years — the abbess of Shaftesbury's community shared £431 a year, of which she took £133 6s 8d.

**A pension converts a dispossessed person into a creditor of the body that dispossessed him.** The former monk's income now depends on the Court of Augmentations continuing to exist and continuing to pay, which depends on the crown continuing to hold and administer the revenues, which depends on the settlement standing. Reverse the settlement and the court is abolished, the revenues revert to their old owners, and the pension stops.

For a fraction of the value of what was taken, the group with the loudest grievance was given the most direct possible interest in the arrangement's continuance. And they behaved accordingly: individual ex-religious appear throughout the following decades as conforming clergy, as pensioners, as schoolmasters — and almost never as a bloc.

## The demonstration: an elite that agreed about nothing

Now the test, and this case supplies an unusually clean one, because the English political elite of the 1540s was not a consensus. It was a knife fight conducted continuously for eight years.

Cromwell had destroyed Wolsey's people. Norfolk and Gardiner destroyed Cromwell — attainted without trial in June 1540 and beheaded on 28 July. The conservative party made repeated attempts on Cranmer and failed only because the king protected him. The evangelicals worked against Gardiner. In 1546 Anne Askew was racked in the Tower, illegally, by the Lord Chancellor and the King's Secretary in person, in an attempt to reach the circle around Queen Catherine Parr, and there was a plot to bring the queen herself down for heresy. In January 1547 the Duke of Norfolk and his son the Earl of Surrey were attainted; Surrey was executed; Norfolk survived only because the king died on the night before the sentence was to be carried out.

On doctrine they were irreconcilable and the legislation shows it lurching between them. The injunctions of 1538 against the Six Articles of 1539. The Bishops' Book of 1537 against the King's Book of 1543. John Lambert burned in 1538 for denying transubstantiation with the king presiding in white silk; Anne Askew burned in 1546 for the same denial, by a government that had in the meantime chained an English Bible in every parish church and then legislated to take it away from most of the population.

These men were not a party. They were competitors for a dying king's ear, and several of them killed each other.

**And not one man in any faction, at any point in eighteen years, proposed returning the land.**

That is the default made visible, and the visibility depends entirely on the disagreement. If the Henrician elite had agreed about everything, their agreement on property would prove nothing at all — it would be indistinguishable from general consensus. They agreed about nothing else. Cranmer and Gardiner could not agree on the nature of the eucharist and were prepared to burn each other's followers over it; Cromwell and Norfolk could not be in the same room; and every one of them held, without discussion, that the abbey lands stayed where they were.

**Which yields the diagnostic this module contributes: a default is not tested by whether allies cooperate. It is tested by whether enemies do.** Look, in any hierarchy, for the proposition on which men who are actively trying to destroy each other never take opposite sides. That proposition is the load-bearing beam, and it will usually not be the one the order talks about.

## Test one: Mary, and the thing her power could not reach

In July 1553 Mary Tudor came to the throne with the strongest position any Tudor had held: an undisputed title, a genuinely popular accession, an unfeigned Catholic faith, and a settled intention to undo everything.

She got everything that belief could deliver, and she got it fast.

The First Statute of Repeal in October 1553 swept away the Edwardian religious legislation and restored the church to its condition in the last year of Henry's reign. The heresy laws were revived in 1554. Cardinal Pole landed on 20 November 1554 as papal legate, and the realm was absolved of schism and formally received back into the unity of Christ's church. The Second Statute of Repeal followed, revoking everything enacted since the twentieth year of Henry VIII against the authority of the see of Rome, and reciting in its preamble that the spiritualty and the temporalty had *swerved from the obedience of the See Apostolic and declined from the unity of Christ's church*, and that they, seeing by the goodness of God their own errors, had acknowledged the same to the legate and been received back. Married clergy were deprived. And between February 1555 and November 1558, something approaching three hundred people were burned alive.

**And she could not get the land.**

The mechanism is worth setting out precisely because it is the cleanest demonstration in this collection. Pope Julius III, through Pole, agreed in advance not to demand restitution of the monastic property; and the statute that restored papal authority contained a saving for those who had acquired church lands. The pressure for that saving came from parliament — from the Commons and the lay peers, who would not repeal the Henrician legislation without it, and who were in a position to insist because they were, since 1539, the majority of the upper house.

What Mary did restore, she restored out of the crown's own remaining estate: Westminster, Syon, Sheen, the Observant Franciscans at Greenwich — a handful of houses, refounded from her own property, not from anybody's purchase.

Set the two results side by side.

*The doctrine was completely reversible, and was reversed inside two years, at a cost of three hundred lives.*

*The property was not reversible at all, and the men who made it unreversible were the same parliament that had just voted England back into the Roman obedience.*

And note carefully what that establishes about the direction of causation, because it is the opposite of the usual assumption. It was not that the English elite were Protestants and therefore kept the land. A great many of them were perfectly willing to be Catholic again — they voted for it, they went to mass, they watched the burnings. **They were willing to be Catholic on the condition that Catholicism did not come after the deeds.** Belief turned out to be negotiable. Title did not.

Nearly three hundred people were burned in England between 1555 and 1558 for a doctrine. Nobody was burned for a deed.

## Test two: 1569

The second reversal came eleven years later and is analysed in full where it belongs, in the account of how orders change. What belongs here is only the default's behaviour.

In November 1569 the Earls of Northumberland and Westmorland raised the north — the last great magnate rising in English history — restored the mass in Durham cathedral, and called for the old religion. It collapsed within weeks. The northern gentry very largely did not come.

Whatever else was operating in 1569, and there was a great deal, the property arithmetic had not changed since 1555 and had by then had thirty years to compound: a generation of northern gentlemen had inherited abbey land from fathers who had bought it, and a rising in the name of the old religion had nothing to offer them that they could weigh against it.

## Where the fracture was going to come from

The framework holds that the default is also where fracture originates: at the point where a group with standing and means finds that the arrangement no longer pays it. So the module should end by asking where, in the hierarchy above, that condition was going to arise.

Not among the adherents of the old religion. They had been bought, pensioned, deprived of institutional means, or — in a small number of very visible cases — killed. The recusant gentry of Elizabeth's reign were a real and persecuted community and they were never a structural threat, because the men among them who had land had bought it under the same statutes as everybody else.

The answer is the group Module 4 identified, and the crucial thing about them is that **they were not outside the hierarchy at all.**

The men formed by the vernacular Bible, and the preaching ministry that grew up around it, were in very large part the same people who appear in the survey above. They were gentry: buyers of abbey land, justices of the peace, members of the Commons. Many of them were lay impropriators — which meant, as this module has established, that they held the right to appoint the minister in over three thousand English parishes, and could and did use it to install men who preached what they wanted preached. The godly interest in Elizabethan and early Stuart England was not a movement of outsiders storming a hierarchy. It was a faction *of* the hierarchy, holding land, offices, tithes and advowsons, all of them secured by the settlement.

And their grievance, when it came, was not about property. It could not be; their property was the safest thing in England. It was about the one question the settlement had never answered.

**Henry's default covered property completely and interpretive authority not at all.**

He had abolished the old apex and put himself in its place, and had published the text on which any apex would have to rest. He had not — because he could not see that it was a question — settled who was entitled to say what the text meant when the crown and the reader disagreed. His last speech to parliament is the sound of a man discovering that the question exists and has no answer available to him: *be not judges yourselves of your own fantastical opinions and vain expositions; for in such high causes you may lightly err.*

So the arrangement held perfectly on the thing it had been built to hold. The abbey lands were never restored — not in 1553, not in 1569, not by the Long Parliament, not at the Restoration in 1660. And it did nothing whatever to prevent a civil war, because the civil war was not about the abbey lands.

The men who tried Charles I in 1649 were, in very substantial part, the descendants of the men who had bought the abbeys. Their title was not in dispute on either side.

## Reading elite coordination against the framework

Five contributions, and the last is the one this study will carry into its final modules.

**A default is tested by enemies, not by allies, and that is the diagnostic to use.** Cooperation among men who agree proves nothing; it is indistinguishable from agreement. What proves the existence of a default is a proposition on which men actively working to destroy one another never take opposite sides. In Henrician England, Cranmer and Gardiner, Cromwell and Norfolk, the evangelical and conservative parties, burned each other's followers, racked each other's allies and sent each other to the block — and every one of them held that the abbey lands stayed where they were. **In any hierarchy, find the proposition that survives the factional war, and you have found the beam.**

**Purchase is the strongest binding available, because it binds people who hold no relevant belief.** This confirms Module 2's finding from the other end. The bishop held an office, which is revocable; the officer held a fee, which is revocable; the peer held a majority, which is structural but abstract. The gentleman held a *deed*, and a deed binds a man who privately thinks the whole business was sacrilege — which a good many of them did, and it made no difference at all to how they voted.

**A pension converts the dispossessed into creditors, and it is the cheapest neutralisation available.** The group with the strongest grievance was given a direct financial interest in the survival of the body that had wronged it, at a fraction of the value taken. Where a study finds the dispossessed pensioned rather than exiled, killed or left destitute, it should expect them not to reappear as a bloc — and should read the pension roll as a political instrument rather than as a charitable one.

**By-product gains bind harder than intended rewards.** The lay peers' permanent majority in the House of Lords was nobody's stated objective, appeared in no preamble, and was never described to anyone as a benefit. That is exactly why it was so strong: a gain that was never framed as a favour cannot be re-framed as a favour to be withdrawn, and a peer who has simply always had a majority experiences it as the natural order rather than as an obligation. **Look for what an order's members received without being told they were receiving it. Those stakes will be defended without any sense of defending the order at all — which is the definition of a default.**

**And the boundary of a default is the boundary of the question it was built to answer — which is where the next fracture will run.** This is the finding to carry forward. Henry's arrangement answered the property question so completely that the answer survived a Catholic restoration, a papal legate, three hundred burnings, a magnate rising, a civil war and a Stuart restoration, without ever once being seriously reopened. It said nothing about who interprets, and within a century that unanswered question had produced an armed conflict inside the very class the property settlement had created. **A default does not fail because it is weak. It fails because the thing that eventually matters was outside its scope, and the men it bound so successfully on the first question were left entirely free to fight about the second.**

Three disciplines to close.

The first is against reading this elite as a set of cynics who used religion as cover for property. Gardiner genuinely believed in the real presence and genuinely believed in the royal supremacy, and there is no contradiction between the two; Cranmer went to the fire for what he believed, having first recanted and then repudiated his recantations, and put the offending hand into the flames. The point of the module is not that their beliefs were insincere. It is that **belief and title behave differently under pressure** — that a whole nation's official doctrine was reversed twice in eleven years while not one acre changed hands. Sincerity is not the variable. Reversibility is.

The second is against reading Mary's failure as weakness or lack of will. She had the doctrine, the papacy, a legate, a parliament that voted for reunion, and the fires, and she used all of them. She restored what could be restored by belief, completely, in under

two years. The land was not a thing her power could reach, because it had been converted into several thousand private titles held under statutes her own parliament would not repeal without a saving clause — and the parliament that insisted on the saving contained the lay majority in the Lords that the dissolution itself had created. The settlement had, in a sense, built its own guarantor.

And the third is the gravity. This module has been an account of interests, and interests are the right instrument for the question. But the arithmetic is made of people. Three hundred men and women were burned alive under Mary for propositions about bread, and rather more than that number had died under her father and would die under her sister and her sister's successors, on both sides, over the same questions. The property held throughout. Everything else was negotiable, and the negotiations were conducted in fire, and the men whose deeds were never in danger stood and watched.

*A note on sources.* Quoted exactly from public-domain primary texts: the Act of Supremacy, 1534 (26 Hen. VIII c. 1), at *annexed and united to the imperial crown of this realm*; Simon Fish, *A Supplicacyon for the Beggers* (1529), at *Are they not stronger in your owne parliament house then your silfe?*; the preamble of the Second Statute of Repeal, 1555, at the passage reciting that the spiritualty and temporalty had *swerved from the obedience of the See Apostolic and declined from the unity of Christ's church* and had been received back by the legate; and Henry VIII's speech to parliament of 24 December 1545 at *be not judges yourselves of your own fantastical opinions and vain expositions*, with the provenance caution stated in Module 4.

Paraphrased and credited to modern scholarship: the composition and business of the Tudor House of Lords, following M. A. R. Graves and the parliamentary histories; the mechanics of episcopal appointment after 1534 and the stripping of episcopal endowments under Elizabeth; Joyce Youings and H. J. Habakkuk on the land market and the county studies of purchasers; the standard accounts of the four new revenue courts and their personnel; Felicity Heal and the recent work on lay impropriation and its effects on the post-Reformation parish, from which the 1603 figures are taken; the pension arrangements for the dispossessed religious and the evidence of long payment; and the standard narratives of Henrician court faction in the 1540s and of the Marian restoration.

Contested figures and points are flagged. **The number of mitred abbots and priors summoned to the Lords before 1539 is genuinely disputed** — older accounts give something in the region of twenty-five to thirty regularly summoned, some recent reference works give figures approaching forty-five, and actual attendance was in every case well below summons. This module rests only on the proposition, which is not

disputed and is stated in the parliamentary histories, that the lords spiritual were a majority or near-majority before 1539 and a minority from that year onward. The figure of 3,489 impropriated benefices out of 9,284 in 1603 is the conventional one and rests on returns whose completeness is uncertain. The number of religious pensioned is given at nine to twelve thousand as elsewhere in this study. The number burned under Mary is variously given between about 280 and 300. The proportion of monastic land in gentry hands varies enormously by county and the Devon figure should not be generalised. Whether Mary's failure to recover the monastic lands is better explained by parliamentary resistance, by papal concession, by her own political calculation or by all three is a matter on which the scholarship differs, and the module states the parliamentary pressure as the operative constraint while acknowledging that the papal dispensation removed the doctrinal obstacle first. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 9

# The Meanest Members of the House

*Plurality or foreclosure — what protection a subject actually had against the apparatus, what was taken away between 1529 and 1547, what was won, and why the losses proved temporary and the gains permanent*

## The question, stated so that it can be answered

There is a state apparatus. The question is whether anything stands between it and you.

Not whether the order's documents contain admirable language — they nearly always do — but whether there are working protections: whether you can say what you think without being killed for it, whether you can be condemned without being heard, whether you can petition, whether you can assemble, whether what you own can be taken by decree, whether the law that binds you also binds the people who made it.

And the harder question underneath, which is the reason this module exists in the framework at all: where do such protections come from, when they exist?

They are not gifts, and they are almost never created by the people who most need them. The husbandman priced in Module 5 did not write a single word of the English constitution. Liberties are **residue**. They fall out of fights *inside* the hierarchy — when a faction with standing and means finds itself in a position to bargain, and the apex, who does not want to break the arrangement, would rather concede something than fight. What is conceded gets written down. It then sits there, and accretes to whatever else has been written down, and is available to be picked up by somebody else in a different fight two generations later who has no idea why it was originally granted.

Usually there is an "in" and an "out." The interesting cases are where somebody below the nobility gets let in, and the way to find them is to look for the factional fight in which letting them in was worth something to somebody.

So this module does three things. It audits the ledger honestly in both directions. It finds the fights that produced the additions. And it asks who was let in.

## Part one: what was taken away

The audit has to start here, because on any straightforward reading the years 1529 to 1547 saw the largest contraction of English liberties before the twentieth century, and any account that leads with the gains is propaganda.

**Speech was criminalised.** The Treasons Act of 1534 made it treason to deprive the king of the name of his royal estate, or to call him heretic, schismatic, tyrant, infidel or usurper, *by words or writing*. English treason law had turned on overt acts since 1351. It now turned on sentences, and Module 5 established that the enforcement ran on neighbours: the state made speech actionable and let ordinary malice supply the informers.

**Trial was made optional.** Act of attainder — a statute declaring a named person guilty, without indictment, evidence or hearing — was used repeatedly and against people of every rank. Elizabeth Barton and five associates were attainted and hanged in 1534. The Countess of Salisbury, a woman of nearly seventy, was attainted in 1539 on the basis of her son's book and beheaded in 1541 in a butchery that appalled contemporaries. Catherine Howard was attainted in 1542. Norfolk and Surrey were attainted in January 1547.

And Thomas Cromwell, who had refined the instrument, was attainted without ever being heard in June 1540 and beheaded on 28 July. The device he had perfected killed him.

**Torture was used, and it was illegal.** The common law of England knew no such procedure. In 1546 Anne Askew, a gentlewoman, was racked in the Tower to make her name the women around Queen Catherine Parr; when the Lieutenant of the Tower refused to continue, the Lord Chancellor Wriothesley and the King's Secretary Rich are recorded as having turned the wheel themselves. She was carried to Smithfield in a chair, unable to stand, and burned.

**Immunities were narrowed.** Sanctuary was restricted in 1540. Benefit of clergy was cut back.

**Belief was made capital.** The Act of Six Articles in 1539 prescribed death for denying transubstantiation, and the fires burned in both directions across the decade.

**Reading was restricted by rank and sex.** The Act for the Advancement of True Religion in 1543 forbade the English Bible to women below gentle rank, to artificers, apprentices, journeymen, serving men of the degree of yeoman and under, husbandmen and labourers, and permitted noblewomen and gentlewomen to read it only to themselves and not to others.

**Print was licensed before publication** from November 1538, and the precedent held for a hundred and fifty years.

**Property was taken by statute.** The Statute of Uses in 1536 destroyed at a stroke the device by which English landholders had for a century provided for their widows, younger children and creditors.

**Movement was criminalised** by the vagrancy legislation set out in Module 5.

**And the crown took power to legislate by decree.** The Act of Proclamations of 1539 provided:

> *The King for the time being, with the advice of his council, or the more part of them, may set forth proclamations under such penalties and pains as to him and them shall seem necessary, which shall be observed as though they were made by act of parliament ...*

That is the shortest possible statement of the case for calling this an absolutism. It should be made at full strength before it is complicated.

## But read the rest of that statute

Because the clause does not end there, and what follows it is longer, more emphatic and more specific than the grant.

> *... but this shall not be prejudicial to any person's inheritance, offices, liberties, goods, chattels or life ...*

And the proviso in the body of the act is more explicit still:

> *PROVIDED always that the words meanings and intent of this Act be not understood interpreted construed or extended, that by virtue of it any of the King's liege people, of what estate degree or condition so ever he or they be, bodies politic or corporate their heirs or successors, should have any of his or their inheritances lawful possessions offices liberties privileges franchises goods or chattels taken from them or any of them, nor by virtue of the said Act suffer any pains of Death, other then shall be hereafter in this Act declared, nor that by any proclamation to be made by Virtue of this Act, any acts common laws standings at this present time in strength and force, nor yet any lawful or laudable Customs of this Realm ... shall be infringed broken or subverted ...*

Count what is in that list. Inheritances. Lawful possessions. Offices. Liberties. Privileges. Franchises. Goods. Chattels. Life. The acts of parliament in force. The common law. The lawful and laudable customs of the realm.

The historiography on this statute is genuinely divided and the division should be named rather than settled. Elton argued that it was never a *lex regia*, never intended to allow the king to rule without parliament, and was a practical instrument for giving legal force to proclamations in areas the law did not reach, when speed mattered — price control, coinage export — with the safeguards meant seriously. M. L. Bush and

others have reinterpreted it against him. The Commons themselves plainly took some persuading, and the act's passage was not smooth.

**But for the purposes of this module the argument about intention is beside the point, because intention does not survive and text does.** What went on the statute roll of England in 1539 was a grant of power accompanied by an itemised schedule of the things that power may not touch, and by an express saving of the common law and the customs of the realm. A later lawyer, in a later fight, does not need to know what Cromwell meant. He needs a citation.

And the Act was repealed within nine months of Henry's death, by the first parliament of his son, in November 1547.

That repeal is itself residue. The proposition that royal proclamations have the force of statute was tried once in English history, enrolled, and struck off — so that when the judges came to the Case of Proclamations in 1610 and held that the king could not by proclamation create an offence which was not an offence before, the 1539 experiment stood behind them as the exception that had been made and withdrawn.

## Part two: what was won, and out of which fight

*The Statute of Wills, 1540: a concession to a class that had just been defeated*

This is the clearest example of residue in the whole collection and it deserves to be traced from the beginning.

The **use** was a device by which a landholder conveyed his land to feoffees to hold for his benefit, which allowed him to direct its descent by will — the common law forbade the devise of land — and which had the incidental effect that the land never technically descended by inheritance, so the crown's feudal incidents of wardship, marriage and relief never fell in. By the early sixteenth century a great deal of English land was held this way and the crown's feudal revenue was collapsing.

Henry tried to fix it in 1529 and was beaten. He tried again in 1532 and was beaten again. The nobility could be brought along; the Commons could not.

He got it in 1536 by splitting the opposition, and the manoeuvre is worth recording because it is a factional fight of exactly the kind this module is looking for. He went after the common lawyers — who resented Chancery's equitable jurisdiction over uses and wanted it stripped away — and he made their choice easier by entertaining a petition against legal fees and musing publicly about legislating what they might charge. The lawyers came over. The Statute of Uses passed in 1536, executed the uses, and destroyed the devise of land at a stroke.

The landed class was furious, and its fury is on the record: repeal of the Statute of Uses was among the stated demands of the Pilgrimage of Grace, alongside the abbeys and the succession.

The rising failed. Its leaders were hanged. And in 1540 the crown conceded anyway. The Statute of Wills — *The Act of Wills, Wards, and Primer Seisins, whereby a Man may devise Two Parts of his Land* — permitted a tenant by knight service to devise two-thirds of his land by will, leaving a third exposed to the incidents, and allowed socage land to be devised entirely.

**Look at the shape of that.** A faction with standing and means made a demand; the demand was suppressed by force; and the substance of it was granted four years later by the government that had suppressed it. The bargaining position was never the rebellion. The bargaining position was that the crown needed the same class — to buy the abbey estates, to sit on the commissions of the peace, to raise the militia, to vote the subsidies. The apex did not want to break the arrangement. He wanted the arrangement to continue with him in it, and the price of that was two-thirds.

And the residue lasted. The right of an English landowner to devise his land by will dates from that act, ran until the Wills Act of 1837 replaced it, and is the ancestor of the modern law.

*The Ferrers case, 1542: the meanest member gets let in*

In March 1542 George Ferrers, member for Plymouth and a gentleman of the king's chamber, was arrested for a debt of two hundred marks or thereabouts for which he had stood surety for another man, and was put into the Compter, a debtors' prison in Bread Street. He had been on his way to the House of Commons.

The Commons sent their Serjeant-at-Arms to fetch him out. What happened next is recorded in Holinshed: there ensued a fray within the Counter gates, not without hurt on either part, so that the serjeant was driven to defend himself with his mace of arms, and had the crown of it broken off in bearing off a stroke, and his man struck down. The two sheriffs of London arrived; the Serjeant demanded Ferrers' release; and the sheriffs treated the demand, in Holinshed's phrase, contemptuously, with many proud words.

On 28 March the creditor who had procured the arrest, the two sheriffs of London and others were summoned before the House of Commons to answer for breach of privilege, and were committed to the Tower for two days.

Consider what that is. The lower house of parliament, on no authority but its own, without a court, without a warrant from the crown, imprisoned the sheriffs of the City of London for arresting one of its members.

The matter went to the Privy Council. And the king came down on the side of the Commons, in words that were reported and remembered:

> *We be informed by our judges that we at no time stand so highly in our estate royal as in the time of Parliament, wherein we as head and you as members are conjoined and knit together into one body politic, so that whatsoever offence or injury during that time is offered to the meanest members of the House is to be judged as done against our person and the whole court of Parliament.*

Three propositions are in that sentence and every one of them is load-bearing.

**The king's estate is at its highest in parliament.** Not tolerated, not endured, not diminished — *highest*. The doctrine that the crown is more, not less, when sitting with the two houses is stated here by the crown itself.

**Head and members conjoined and knit together into one body politic.** The Commons are not suitors approaching a throne. They are part of the same organism as the king, and the organism is the sovereign.

**And an injury to the meanest member of the House is an injury to the king's own person.** That is the sentence that makes the privilege durable, because it relocates the interest. Freedom from arrest is not the Commons' private convenience which a later king might withdraw as a favour ill-used. It is the crown's own dignity. A monarch who lets a member be arrested has let himself be injured.

Why did Henry do it? Because it cost him nothing and bought him a great deal. He was eighteen years into a programme of having parliament do things no English parliament had done — alter the succession, define doctrine, dissolve corporations, transfer a quarter of the country, make a king head of a church. Every one of those acts was only as strong as the body that passed it. A parliament whose members could be picked off in the street on a debtor's writ is a weak instrument. A parliament whose members are inviolable during session is a formidable one, and a formidable instrument is what he needed his statutes to have come out of.

**The residue.** Ferrers established the immunity of members from civil arrest during session, and — the larger point — the House's power to punish breaches of its own privilege by its own committal. Sixty-two years later, in Shirley's case in 1604, the Commons did precisely the same thing to the officers holding another member arrested for debt. James I had none of Henry's reasons for agreeing, and it made no difference; the precedent was there and had a king's endorsement written on it.

*The Speaker's petition, and the difference between grace and right*

At the opening of a parliament the Speaker made a formal request to the crown: access to the sovereign, freedom from arrest, freedom of speech in debate, and favourable construction of the House's proceedings. The first recorded request for freedom of speech was made by Thomas More as Speaker in 1523 — six years before this study begins, and by the man it would kill.

Note precisely what these were. They were **asked for**, at the beginning of each parliament, as a grace to be granted by the sovereign to that parliament. They were not claimed. They were not asserted to exist independently of the asking.

By the early seventeenth century the Commons were asserting the same four things as ancient and undoubted rights which the crown had no power to withhold. The words had scarcely changed. What had changed was the grammar, and the grammar is the whole history of English liberty compressed into a change of mood: **what one generation asks for as a favour, a later generation claims as an inheritance.**

*And a parliament that sometimes said no*

It matters that this was not a rubber stamp, because a rubber stamp cannot generate residue.

The Commons blocked the use bill in 1529 and again in 1532. In 1531, when parliament was asked to confirm the pardon of the clergy, the Commons took alarm at finding that the spiritualty were pardoned and the laity still liable to penalty, and would not proceed until they had a pardon of their own. In 1532 the Annates Act passed only with real difficulty, against a division in the Lords and opposition in both houses — and it went through in a *conditional* form, suspended on the king's letters patent, which is a hedge that exists because the House would not simply do what it was asked. In 1536 the Statute of Uses was resisted to the end.

The record is not one of a servile assembly. It is one of an assembly that lost most of the big fights, won some of the small ones, and grew more powerful every time it lost — because every unprecedented thing it was made to do enlarged the list of things it could do.

## Part three: who got let in

The last question is about the boundary of the political nation, and the boundary moved.

**Wales was brought inside.** The Laws in Wales Acts of 1536 and 1542 abolished the marcher lordships, shired the country, extended English law to it, and — for the first

time in history — gave Wales representation in the English parliament, with knights for each shire and burgesses for the shire towns. A whole country was moved from "out" to "in."

And the price was exact and should be stated in the same breath. Welsh law was abolished. The jurisdictional patchwork that had given Welshmen a measure of independent legal life was swept away. And the use of English was made a requirement for the holding of office, which is a formation measure in the sense of Module 4 and had consequences lasting into the twentieth century. **Wales was admitted to the institution and dispossessed of its own.** Both halves are true and neither cancels the other.

**Calais was enfranchised in 1536 and Chester in 1543**, and the Tudor century saw a steady creation of new parliamentary boroughs.

**And the buyers came in.** Several thousand families acquired land, and land brought county standing, and county standing brought the commission of the peace and a shot at a seat. The men who bought abbey estates in the 1540s were sitting in the Commons in the 1560s, and their grandsons were sitting there in 1640.

The "in" got larger. The rules for those inside got harsher. And the instrument they sat in got very much stronger.

## Reading plurality against the framework

Five contributions, and the last is the answer to the question the framework asks.

**Liberties are residue, and the residue outlives the fight that produced it.** Neither of this decade's two durable gains was intended as a liberty by anybody. The Statute of Wills was a peace offering to a defeated but indispensable class that the crown could not afford to keep at odds with. The Ferrers privilege was a cheap way of making an instrument more formidable at a moment when the king needed it formidable. Both became rights, and both outlasted every purpose they were granted for. **Look for the concession made from strength by an apex who wants the arrangement to continue — not for a charter granted out of generosity, and not for one extorted at swordpoint, because the first does not happen and the second is usually revoked.**

**The apex enlarges the instrument he uses, and cannot afterwards control what it becomes.** This is the study's largest contribution to the liberty question and it is the exact mirror of what Module 4 found about formation. Henry needed parliament's competence to be *unlimited*, because every one of his acts had to be beyond challenge — the succession, the marriage, the doctrine, the property, the supremacy itself. Only an omnicompetent parliament could put them beyond challenge. So he spent eighteen

years demonstrating that there was nothing parliament could not do, and saying so himself: *we at no time stand so highly in our estate royal as in the time of Parliament.* **A ruler who uses an institution to make his own acts irreversible has, in the same motion, made that institution irreversible.** He could no more take back the competence of parliament than he could take back the English Bible, and for the same reason: he had needed to hand it out in order to use it.

**A grant of power that itemises its exceptions has written a schedule of rights.** The Act of Proclamations is the specimen. Whatever was meant by it, what is on the roll is a list — inheritances, lawful possessions, offices, liberties, privileges, franchises, goods, chattels, life, the acts in force, the common law, the lawful and laudable customs of the realm — of things a decree may not touch. Intentions do not survive; text does, and text can be cited by people the drafter never imagined. **A striking proportion of the durable liberties in English history arrived as provisos to grants of power.**

**Petition hardens into claim across generations, and the hardening is invisible while it happens.** The Speaker asked for freedom of speech as a grace in 1523 and in every parliament after; the Stuart Commons asserted it as an ancient and undoubted right; the words in between barely altered. **What a ruler concedes as grace, his successor's subjects will assert as inheritance — which is why an apex should be more careful about the form of a small concession than about the size of a large one.** Henry gave away nothing in 1542 except a form of words, and the form of words is still operating.

**And here is the answer to the question of what makes a liberty more than words on paper: it becomes durable at the moment it is converted into somebody's default.**

Run the audit as a whole and the asymmetry is the finding. Almost everything taken away in this decade was given back within a year of Henry's death. The Treasons Act, the Six Articles, the Act of Proclamations and the Act restricting Bible reading were all repealed by the first parliament of Edward VI in 1547. Almost everything won survived: the Statute of Wills ran until 1837, the Ferrers privilege is in force today, and the competence of parliament was never again seriously argued down.

The reason for the asymmetry is the reason Module 8 gave for everything else. **The losses were personal to a king and the gains were vested in an institution.** A restriction that exists because a particular ruler wants it dies when he does, because nobody's position depends on it. A privilege owned by a standing body whose members personally benefit from it — freedom from arrest protects the men who would have to vote to give it up — is defended by every one of them looking after

himself, which is to say it is defended by default, which is to say it does not need anybody to champion it.

**Liberty is durable exactly to the extent that somebody's self-interest is on its side.** That is not a cynical finding and it is not a comfortable one. It explains why the English gentry secured the devise of land and the immunity of members and did not secure anything at all for the labourer whose ear was cropped under a statute of the same parliament — and it predicts, correctly, that liberties will accumulate first and fastest for whichever group is best placed to make the apex want their cooperation.

Three disciplines to close.

The first is against the Whig reading. Nobody in 1542 was building a constitution. Henry backed the Commons over Ferrers because it strengthened the instrument he was using to take a quarter of the country; the Statute of Wills was passed to buy off a class he had just finished hanging. Reading this decade as a stage in the ascent of English liberty is a mistake about motive that produces a mistake about mechanism.

The second is against the opposite error, which would dismiss the residue as accidental and therefore unreal. It was not unreal. Ferrers came out of the Compter. The sheriffs of London went to the Tower. English landowners devised their land by will for three hundred years on the strength of a statute passed to placate the survivors of a rebellion. The accidents were the mechanism, and the mechanism worked.

And the third is the gravity, which in this module has to be carried in a single juxtaposition. In March 1542 the House of Commons imprisoned the sheriffs of London to vindicate the liberty of its meanest member. In the summer of 1546 the Lord Chancellor of England turned the rack with his own hands on a gentlewoman in the Tower, and she was carried to the fire in a chair. Both of those are this decade. Both are this state. The liberties that accreted were real and they were the property of men who sat in a chamber; the woman on the rack was outside the arrangement, and nothing that accreted reached her.

*A note on sources.* Quoted exactly from public-domain primary texts: the Act that Proclamations made by the King shall be obeyed, 1539 (31 Hen. VIII c. 8), both in the summary form printed in Pickering's *Statutes at Large* at *The King for the time being, with the advice of his council ... as though they were made by act of parliament; but this shall not be prejudicial to any person's inheritance, offices, liberties, goods, chattels or life*, and in the fuller original-spelling text of the proviso beginning *PROVIDED always that the words meanings and intent of this Act be not understood interpreted construed or extended* and running through *shall be infringed broken or subverted*; the long title of the Statute of Wills, 1540 (32 Hen. VIII c. 1), *The Act of Wills, Wards, and Primer Seisins, whereby a Man may devise Two Parts of his Land*; and, for the Ferrers case,

Holinshed's *Chronicles* for the fray at the Counter gates, the broken crown of the serjeant's mace and the sheriffs' proud words, and for the king's statement beginning *We be informed by our judges that we at no time stand so highly in our estate royal as in the time of Parliament*. **The king's words in the Ferrers case survive through Holinshed rather than as an official record and should be treated as reported rather than as minuted**; the substance is consistent across the accounts and the outcome — the committal of the sheriffs and the establishment of the privilege — is documented in the Lords Journal and the parliamentary histories.

Paraphrased and credited to modern scholarship: S. T. Bindoff's *House of Commons 1509–1558* and the History of Parliament for Ferrers and for the composition of the Commons; the long dispute over the Act of Proclamations, in which G. R. Elton's position that it was never a *lex regia* but a practical instrument hedged with genuine safeguards is set against M. L. Bush's reinterpretation and other later readings — **the disagreement is named and not resolved here**; the modern legal-historical work on the origins and passage of the Statute of Uses, including the account of how the crown detached the common lawyers from the opposition, and on the Statute of Wills as the resulting compromise; the standard accounts of the Laws in Wales Acts and of Tudor borough enfranchisement; and the literature on the Speaker's opening petition and on the transformation of the four privileges from requested grace into asserted right by the early Stuart period.

Contested points are flagged. Whether the Act of Proclamations represented an attempt at rule by decree or a limited administrative expedient is genuinely disputed and this module rests only on what the enrolled text says. The precise causal weight of the Statute of Uses among the grievances of the Pilgrimage of Grace is disputed, though its presence among the stated demands is not; and whether the Statute of Wills should be read as a response to the rising, as a fiscal renegotiation, or as both is a matter on which accounts differ. The date of the Ferrers arrest is given as March 1542 in most accounts and the parliament is sometimes cited as that of 1542 and sometimes by the regnal year; the committal of the sheriffs on 28 March is secure. Whether Thomas More's request as Speaker in 1523 is properly the first claim of freedom of speech, or merely the first recorded in that form, is a matter of definition. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 10

# They Halted at Doncaster

*Change and collapse — the largest rising in Tudor England tested against the framework's hardest claim, the risings that followed it and what became of them, and where in the hierarchy the fracture was actually going to come from*

## The claim, stated at full strength before it is tested

The framework's account of change is the least comfortable thing in the collection and it should be put at its hardest before this module tries it.

Structural change does not come from below. A functioning state — one that commands an organised and loyal monopoly of force — does not lose to its own population, because unorganised bodies lose to organised violence, and numbers are not force. Popular grievance is close to a constant across societies and generations, and a constant cannot explain a rare event. What is rare, and therefore what does the explaining, is a crack in the floor: an elite that fractures and arms the crowd against itself, an elite exhausted by war, an elite conquered by a rival, or an elite that has bred more claimants than it has places and whose surplus turns revolutionary and leads the crowd as fuel.

On this account the common man is real, his courage is real, and his pressure is a genuine cause — but he is the weight on the lever, and the lever is worked above.

That claim should be tested against the hardest case available rather than an easy one, and in Tudor England the hardest case is not in doubt. The Pilgrimage of Grace was the largest rising any Tudor faced, the most nearly successful, and the only one in which the crown of England negotiated with rebels in the field rather than destroying them.

The brief for this study says: report it plainly either way, and if the framework holds, say so without triumph. That is the instruction this module follows.

## What actually happened

On 1 October 1536 the commons of Louth in Lincolnshire rose. The immediate leadership was a shoemaker, Nicholas Melton, whom they called Captain Cobbler. What set them off was not doctrine but rumour — the rumours this study met at first hand in Module 7, in Sir William Morland's deposition: that the visitation was coming, that the chalices and church plate would be taken, that there would be a new tax on

christenings, weddings and burials, that only one church in six or seven miles would be left standing, and that Hull had already sold its plate and paved the town with the proceeds.

Lincolnshire collapsed within three weeks. But by then Yorkshire had risen, and Yorkshire did not collapse.

Nine rebel armies formed across the north. The crown's own estimates and the modern reconstructions put the total force under arms at something in the region of thirty to forty thousand men. They marched under a banner of the Five Wounds of Christ. They swore an oath. Pontefract Castle was surrendered to them by its keeper. They drew up articles at Pontefract in early December setting out their demands: the suppression of heresy, the restoration of the abbeys, the removal of Cromwell and his associates from the king's council, the repeal of the Statute of Uses, the restoration of Mary to the succession, and a parliament to be held at York.

Against them the Duke of Norfolk had perhaps eight thousand men.

And the government of England negotiated. At Doncaster in late October a truce was agreed; Norfolk parleyed; and in December the pilgrims dispersed on a free and general pardon and a promise of a parliament in the north.

Those are the facts and they are the strongest case the other side has. **The crown could not win the battle, and did not fight it.** Any account of this module that does not begin there is not testing the framework; it is confirming it in advance.

## So: was this the people?

*Who was leading it*

Robert Aske was a lawyer of Gray's Inn and a Yorkshire landowner, grandson of a baron and third cousin to the queen. Thomas Lord Darcy was a baron and a Knight of the Garter, and it was he who surrendered Pontefract. John Lord Hussey was Chief Butler of England. Beside them stood Sir Robert Constable, Sir Thomas Percy — brother of the Earl of Northumberland — Sir Stephen Hamerton, Sir John Bulmer, Sir Nicholas Tempest, and the barons Conyers, Latimer, Lumley and Scrope. Six or seven abbots were involved deeply enough to be executed for it.

That is not a peasant rising. That is a substantial section of the northern hierarchy in arms.

*But the commons began it, and the argument about what that means is not settled*

The commons rose first, and in many places the gentry were "sworn" — taken by the crowd and required to lead, on pain of having their houses burned. Almost every gentleman involved afterwards pleaded coercion.

The historiography on this is genuinely divided and this study will not pretend to resolve it.

**Elton**, followed in a different key by Mervyn James, read the Pilgrimage as national politics: a last throw by the defeated Aragonese faction at court — Darcy, Hussey and their connections, the men who had backed Catherine and Mary and had been sidelined — using the northern commons as what Elton was content to call a rent-a-mob. He dismissed the gentry's pleas of coercion outright.

**M. L. Bush** read it the other way: a rising of the commons, whose manifestos were issued with the commons' consent, into which the gentry were dragged.

**R. W. Hoyle**, in the fullest modern study, rejects the conspiracy theories and the notion that the gentry or nobility masterminded the rising — while documenting how, by the end of October, the gentry had secured control of the movement.

**C. S. L. Davies** read it as predominantly popular, with genuine religious causes.

The one proposition on which all of these accounts converge is the one this module needs. **By late October 1536 the gentry were running it**, and from that point onward the movement's decisions were the gentry's decisions.

*Where the test bites*

The framework does not claim that the commons never rise. It claims that risings against an intact floor lose, and that change comes when the elite fractures.

Here the elite fractured *partially*, and that is exactly why the rising got as far as it did. Thirty thousand men, nine organised armies, a fortified castle handed over, articles drawn in legal form, and a government that had to talk — none of that is available to a crowd without gentlemen in it. The men who could raise a county, muster tenants, provision an army and draft a document were the men whose houses had just been surrounded by their own neighbours.

But the fracture was regional and it was not complete. Norfolk held. Shrewsbury held. Suffolk held. Derby supported the king. The great magnates who mattered at the centre did not come across, and — this is the decisive absence — **there was no faction of the apex arming the crowd against a rival faction of the apex.** What there was instead was a section of one region's hierarchy in arms against the whole of the rest.

So the mechanism the framework describes never completed. Nobody at the centre opened the door from the inside.

## And then they halted

At the end of October 1536 Aske's forces stood at Doncaster with the Don between them and Norfolk's army, outnumbering it by something like four to one. They had the numbers, the ground and the momentum. The road to London was open in the sense that nothing effective stood on it.

Aske halted. He insisted that his men were pilgrims seeking justice and not rebels, and he agreed to a parley.

That decision is the centre of this module and the reason for its title, and the explanation is not military. It is structural.

**The leaders had halted because the leaders were members of the arrangement.** Read the Pontefract articles as a document and they are not a programme for a different order. They are a petition for redress, addressed to a king whose legitimacy is nowhere questioned: dismiss these councillors, restore these houses, repeal this statute, put this princess back in the succession, hold a parliament in the north. Every demand assumes the crown, the parliament, the law and the social order continue exactly as they are, with the petitioners in their existing places, and with the objectionable recent alterations removed.

Men who want the arrangement repaired do not break it. They stop when they are offered terms, because terms are what they came for and because they have estates, families, offices and a future inside the thing they are threatening.

**And here is this module's principal contribution to the framework, which is a refinement rather than a confirmation.**

The framework holds that the crowd does not force the door but is handed through it from inside by a fractured elite. That is right as far as it goes. What this case adds is that the faction that hands the crowd through is also *holding the reins* — and it will pull them. **A partial fracture is not a door. It is an army with a brake on it.**

The gentry leadership that makes a rising formidable is the same thing that guarantees it will accept terms, and the two cannot be separated, because they are the same men. A rising with no gentlemen in it cannot organise. A rising with gentlemen in it will stop when their interests are met, or — if their interests cannot be met — at the point where going further would destroy the order in which they hold everything they have.

So the diagnostic to carry: **in any large rising, find the moment it halted, and ask whose interests were served by halting.** The answer will identify who was actually in command, regardless of who is named in the chronicles as its captain.

Aske went to court at Christmas 1536 at the king's invitation, was received graciously, was given a jacket of crimson satin, and rode home believing the promises

he had been given. That is not the behaviour of a revolutionary. It is the behaviour of a man who has been reabsorbed into the arrangement, and who thinks he has won.

## Bigod, the banner, and the accounting

In January 1537 Sir Francis Bigod raised a fresh and much smaller rising in the East Riding, and the thing that matters about it is Aske's reaction. Aske wrote to the commons urging them not to join, on the ground that the king was extending a general pardon to all the north and intended a parliament at York. The former captain of the pilgrims was, by then, operating as the crown's brake on his own late followers.

Bigod's rising failed within weeks, and it released the crown from the terms of Doncaster.

What followed is in Module 1 and need not be repeated in detail: the king's letter of 22 February 1537 ordering the banner displayed, the law suspended, and dreadful execution done upon a good number of the inhabitants, hanging them on trees and setting their heads and quarters in every town; Norfolk's reply from Carlisle two days later reporting six thousand submissions, seventy-four selected for death, the distribution of the bodies across every town where the men had dwelt, and the shortage of iron for the chains.

And then the leaders. Darcy was beheaded on Tower Hill on 30 June 1537 and his head set on London Bridge. Hussey was executed at Lincoln. Sir Robert Constable was hanged in chains at Hull. Bigod was hanged, drawn and quartered at Tyburn. And Robert Aske was hanged in chains from the castle at York and left there.

The totals across all the risings are reported at between about a hundred and eighty and two hundred and sixteen, including six or seven abbots, some thirty-eight monks and sixteen parish priests.

Note the form of the record. The men of the hierarchy have names, places and dates in every account. The rest are a number.

## What changed

Nothing the rebels asked for.

The dissolution did not stop; it accelerated, and the great houses went in the following three years. The houses that had resisted were taken by attainder rather than surrender. The supremacy stood. Cromwell survived another three years and fell in 1540 — not to a rising but to a court faction, which is the framework's mechanism operating in its ordinary form.

Two things did change, and both are instructive.

**The crown got more state.** The Council in the North was established as a permanent conciliar government in October 1537, in the one region where the community-enforcement model examined in Module 5 had visibly failed. The Council in the Marches of Wales was strengthened. Wales was shired. The vagrancy laws tightened. **A failed rising against a functioning state does not merely get repressed; it produces institutional thickening, and the institutions outlast the repression by centuries.**

**And a concession was made — to the wrong people.** In 1540 the crown passed the Statute of Wills, conceding to landholders the right to devise two-thirds of land held by knight service, which was the substance of the demand for repeal of the Statute of Uses. Module 9 traced it in full.

Look at the transaction end to end. It began with a shoemaker in Louth and a rumour about a tax on christenings. It produced, four years later, a durable property right belonging to landowners.

**The weight on the lever was supplied from below. The payout was collected above.** The framework should expect that as the normal case, not the exception, and should look for it whenever a rising is followed by a reform: the concession will be shaped to satisfy whichever group the ruler most needs to keep cooperative, and that group will almost never be the group that started it.

## The control case: 1549, and what happens with no fracture at all

The Pilgrimage tests the framework at its hardest. The commotions of 1549 test it at its cleanest, because there the elite element is largely absent and the comparison is close to controlled.

In the summer of 1549 there was trouble in something like twenty-five counties from Yorkshire to Cornwall — at least twenty rebel camps and at least sixteen rebel petitions. Two of the risings were serious. In Devon and Cornwall the Western Rising went up against the new Prayer Book. In Norfolk, Robert Kett led a movement against enclosure that took Norwich, held Mousehold Heath, and defeated the Marquess of Northampton in the field.

Kett's numbers reached something like sixteen thousand. He was not a peasant — he was a Wymondham landholder of minor gentry standing, and later official accounts that made him a tanner were doing propaganda. But the relation of his movement to the gentry was hostile: local gentlemen were seized and held, and complaints against them were heard under the Oak of Reformation. **The hierarchy was not inside this rising. It was the defendant.**

The government sent the Earl of Warwick with an army of some fourteen thousand, including about fourteen hundred German landsknechts and other foreign mercenaries. On 27 August 1549 the two forces met at Dussindale. The rebels outnumbered Warwick and had no cavalry. Estimates of the rebel dead run from about three thousand upward; Warwick's losses were in the region of two hundred and fifty to three hundred and fifty. Rebels were hanged at the Oak of Reformation and outside the Magdalen Gate. Robert Kett was taken the next day, tried in London, carried back to Norfolk, and hanged in chains from the walls of Norwich Castle on 7 December.

**No fracture, no brake, no negotiation, and a massacre.** That is the framework's prediction in its undiluted form: a rising with no faction of the hierarchy inside it meets organised violence and is destroyed by it.

And then the sting, which makes 1549 the most useful year in this module.

**Somerset fell in October 1549** — within about six weeks of Dussindale. The Lord Protector was thought to have been too sympathetic to the commons and to have handled the commotions disastrously, and his colleagues on the council removed him. There *was* a change at the apex, and the risings caused it.

But look at who made it. Not Kett. Warwick and the council — the men who had just crushed the risings — used the risings as the occasion to destroy a rival. The change went to the faction that had done the crushing, and the man who had led the rising was hanged in chains, in December, by the government the change had installed.

Fuel and spark, demonstrated inside six weeks in one country. The pressure from below was a genuine cause of a real change at the top, and the people who supplied the pressure got nothing and their leader was killed.

## And 1569, which is the hardest test of all

In November 1569 the Earls of Northumberland and Westmorland raised the north, restored the mass in Durham cathedral, tore up the English Bible and the prayer books, and marched. This is the last great magnate rising in English history.

On the framework's own terms these were exactly the right actors. Two of the greatest peers in the realm, with ancient regional followings, in arms against the crown over religion. If elite fracture is the mechanism, this should have been the case that worked.

It collapsed within weeks. The northern gentry very largely did not come. Several hundred were executed; Northumberland was beheaded at York in 1572.

**And the reason is the finding of Module 8.** By 1569 a generation of northern gentlemen had inherited abbey land from fathers who had bought it. A rising in the name of the old religion could offer them nothing whatever that they could weigh

against a title good only so long as the statutes stood. The default held, and it held against two earls.

Which is a genuinely new proposition and it belongs in the framework: **a successful default does not merely make an order cheap to run. It makes elite fracture itself less likely, by binding the men whose defection would be required for a fracture to become a crack.** The property settlement of the 1530s did not simply survive 1569; it is a substantial part of why 1569 failed.

## So where was the fracture going to come from?

Run the modules and the answer has already been assembled.

Not from the losers of the 1530s. The old religion's adherents had been bought, pensioned, deprived of institutional means, or killed. The parish clergy had standing in every village and no means at all, because convocation's legislative independence had been taken first. The recusant gentry were persecuted and structurally harmless, because the ones with land held it under the same statutes as everybody else.

It came from the winners, a century later, and every precondition was laid down between 1529 and 1547.

**Overproduction.** The gentry expanded across the century; the Inns of Court and the universities expanded with them; and the preaching ministry that grew out of the vernacular Bible produced a large body of educated men with an interpretive claim and no institutional standing to make it. That is the material Goldstone and Turchin describe: not the poor, who lack the means to organise, but the qualified and thwarted, who have the education, the connections and the sense of a place denied.

**A fracture line already drawn.** Module 8 found that the default covered property completely and interpretive authority not at all. Module 4 found why: Henry had abolished the old apex, put himself in its place, published the text on which any apex must rest, and never settled who was entitled to say what the text meant when the crown and the reader disagreed. He said so himself in December 1545, and could offer nothing but an instruction not to judge.

**An instrument made omnicompetent.** Module 9 found that he had spent eighteen years establishing that there was nothing parliament could not do, because his own acts needed to be unchallengeable, and that the competence could not afterwards be withdrawn.

**And a crown that had sold its independence.** Module 6 found that two-thirds of the land was gone by 1547 and the money spent on Boulogne. A crown with a doubled permanent revenue does not have to call parliaments for money. Charles I had to.

Put those four together and the 1640s are the framework's own mechanism running exactly as specified: a surplus elite with a formation the crown did not control, a fracture along the one seam the settlement had left open, an assembly whose competence the crown itself had made unlimited, and a fiscally exhausted apex that could not project force without asking the fracture for the money.

The men who tried Charles I in 1649 were in very substantial part the descendants of the men who bought the abbeys, and their title to those abbeys was not in dispute on either side of the war.

## Reading change against the framework

Five things, of which the second and fifth are additions.

**The claim holds, and this study reports it without satisfaction.** No rising of the common people against an intact Tudor floor achieved any structural change whatever. Not Lincolnshire in 1536, not the Pilgrimage, not the Western Rising, not Kett, not 1569. The single case in which the crown negotiated rather than fought is the single case in which a section of the hierarchy was inside the rising — and it is also the case that stopped voluntarily when it had the advantage.

**A partial fracture is not a door; it is an army with a brake on it.** This is the refinement. The framework says the crowd is handed through the opening from inside. It should add that the hand which opens the door is also on the reins, and will pull them at the point where its own interests are satisfied or where continuing would wreck the order it means to keep a place in. The gentry leadership that makes a rising capable of raising nine armies is the identical thing that makes it stop at Doncaster. **Find the moment a rising halted and ask who benefited from the halt; that identifies the real command.**

**The concession goes to the class that led, not to the class that started.** The Pilgrimage began over a rumoured tax on christenings and ended in a landowners' right to devise land by will. **The weight is supplied from below and the payout is collected above**, because a cornered ruler shapes his concession to satisfy whichever group he most needs to keep cooperative, and that is never the group that lit the fuse.

**A failed rising against a functioning state produces more state.** The Council of the North was created out of the Pilgrimage and governed the north for a century. This is a more durable output than the executions and is easily missed, because repression is visible and institution-building is not. **Where a study finds a suppressed rising, it should look immediately afterwards for a new permanent organ of government in the same region.**

**And a successful default makes elite fracture itself harder to achieve.** This is the addition that ties this module to Module 8. The framework has treated the default as an explanation of why orders run cheaply. This case shows it doing something further: in 1569 two of the greatest magnates in England raised the north for the old religion, and the men whose defection would have turned their rising into a crack in the floor stayed at home, because they held abbey land. **A settlement that has bound the elite by interest has not merely secured obedience; it has raised the price of the very fracture that is the only route by which it could be overturned — which is why such an order, when it finally does break, breaks along a seam the settlement never covered rather than the one it was built to hold.**

Three disciplines to close, and the first is the most important in the module.

The first is against contempt for the people who rose. They were not a mob and they were not fools. The pilgrims had articles drawn in legal form, an oath, discipline, nine organised armies and a coherent set of demands, and this study has independently confirmed the reality of nearly every grievance underlying them: the entry fines, the enclosures, the holy days converted to working days, the abbeys, the rumours that were not wholly rumours. The clearest testimony on the point comes from the man who hanged them. Norfolk wrote to Cromwell from Carlisle in February 1537 that the border people had been so sore handled in times past — spoiled, gressed marvellously sore, their lords' rents increased by enclosures — that this, as he and all others there thought, was the only cause of the rebellion. They understood their situation correctly and they lost anyway. Losing was a fact about the distribution of organised force, not a verdict on their judgement.

The second is against reading the framework as fatalism, which it is not. The pressure from below was a genuine cause of everything that followed: it forced the crown to negotiate for the only time in the century, it produced a permanent concession in 1540, and it made the government of England alter its behaviour for a generation. What the pressure could not do was collect its own winnings. That is a statement about who is positioned to bargain, not about who deserves to.

And the third is the gravity, which in this module is one man. Robert Aske stopped an army he could have marched on London, because he believed he was a subject seeking justice from his king and not a rebel. He was invited to court at Christmas, received graciously, given a coat of crimson satin, and sent home to tell the north that the king meant what he said. Six months later he was hanged in chains from the castle at York and left there to die of it.

*A note on sources.* Quoted or closely reported from public-domain primary material: the Duke of Norfolk's letter to Cromwell of 21 February 1537 on the spoiling and

gressing of the border tenants, the increasing of lords' rents by enclosures, and his judgement that this *was the only cause of this rebellion*; and the correspondence of February 1537 concerning the displaying of the banner, the suspension of the ordinary law and the selection of seventy-four men for execution, both from *Letters and Papers, Foreign and Domestic, Henry VIII*, vol. xii pt. 1, with the standing caution that this is Gairdner's calendar rather than a transcript. The Pontefract articles and the pilgrims' oath survive and are printed in the standard collections; they are described rather than quoted here.

Paraphrased and credited to modern scholarship, with the disagreement named and deliberately not resolved: the interpretation of the Pilgrimage of Grace, where **G. R. Elton's reading of the rising as a throw by a defeated Aragonese court faction using the commons as an instrument** stands against **M. L. Bush's reading of it as a rising of the commons into which the gentry were coerced**, with **R. W. Hoyle's full-length study rejecting the conspiracy theories while showing that the gentry had secured control of the movement by late October**, **Mervyn James** favouring aristocratic explanations, and **C. S. L. Davies** arguing for a predominantly popular rising with genuine religious causes. This module takes only the proposition on which these accounts converge — that from late October 1536 the gentry were directing the movement — and builds on that rather than on any one reading of its origins. Also paraphrased: the standard accounts of the commotions of 1549, of Kett's rising and the battle of Dussindale, and of Somerset's fall; the accounts of the Northern Rising of 1569; and the elite-overproduction literature of Jack Goldstone and Peter Turchin, and Theda Skocpol's account of state breakdown, which underlie the framework's own paper on change.

Contested figures are given as ranges. The size of the pilgrim forces is usually put at thirty to forty thousand and is an estimate; Norfolk's force is variously reported and was certainly much smaller. The executions arising from the risings are given at between about 178 and 216, with the breakdown differing between accounts. Rebel dead at Dussindale are reported between about three thousand and much higher figures, with royal losses around 250–350; the numbers hanged afterwards are given between 30 and 300 in different accounts. Warwick's army strength and the mercenary contingent are reported variously. The number of counties affected in 1549, the number of camps and the number of petitions follow the recent scholarship on the "commotion time" and are minimum figures. Whether Somerset's fall should be attributed principally to the risings, to his own conduct, or to Warwick's ambition is disputed. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 11

# They Looked Like Anatomies of Death

*The grim accounting — the sword count of the cheapest structural revolution in this collection, the instalments it paid for a hundred and twenty years afterwards, the metabolic note it never called at home and called in full elsewhere, and the forgetting that completed it*

## What is being counted, and the honest problem of where to stop

The framework's accounting assumes a bounded object. An armed group took power, held it for a period, and finally ended; count what the sword cost across that span, and count whether the metabolic note was called — whether the coordination that lifted a population above the land's natural carrying capacity was disrupted badly enough that the debt came due in famine and epidemic.

This case does not present a bounded object, and pretending otherwise would produce a false number.

Nobody was conquered. No foreign army crossed a border. The arrangement did not end — the royal supremacy survives in modified form, the Church of England is established, and the land is still where it was put. And the violence, as Module 1 established, was retail rather than wholesale: an oath tendered person by person and a small number of extremely public deaths.

So the honest method is concentric rings, with the confidence declining as the rings widen, and with the boundary problem stated on the page rather than buried inside a total. Three rings of sword, and then the metabolic question, which turns out to move the accounting to a different country.

## Ring one: the founding, 1534–1547

**The supremacy dead.** Elizabeth Barton and five associates, hanged at Tyburn in April 1534. Three Carthusian priors, a Bridgettine and a vicar, 4 May 1535. Three more Carthusians, 19 June 1535. John Fisher, 22 June. Thomas More, 6 July. Two Carthusians hanged in chains from the battlements at York in May 1537, and nine more of the same community dead in Newgate that summer, chained and left. William Horne, the last of them, at Tyburn in 1540. The abbots of Reading, Glastonbury and Colchester, and a priest with the first of them, in November and December 1539. Something in the region of twenty-five to thirty men.

**The risings.** Between about a hundred and seventy-eight and two hundred and sixteen, across the Lincolnshire rising, the Pilgrimage and Bigod's rebellion, including six or seven abbots, some thirty-eight monks and sixteen parish priests — of whom seventy-four died at Carlisle in a single week in February 1537 under martial law, on Norfolk's selection, hanged in every town where they had dwelt.

**The fires.** In both directions and across the whole reign: John Lambert in 1538 for denying transubstantiation with the king watching in white silk; Anne Askew and three others at Smithfield in 1546 for the same denial; and a scatter of others under the heresy law and the Six Articles. A few dozen.

**The court.** Anne Boleyn and five men in 1536. Thomas Cromwell in 1540. Catherine Howard and Lord Rochford in 1542. The Exeter conspiracy and the destruction of the Pole family, 1538 to 1541, including the Countess of Salisbury. The Earl of Surrey in January 1547.

**Total for the founding decade and a half, in England: something in the region of three to four hundred deaths directly attributable** — of which nearly two-thirds occurred in a single spring, and the great majority of those in two northern counties.

Set that beside what was accomplished. The largest transfer of landed property in England since 1066. The extinction of eight hundred and more corporations that had existed for centuries. The removal of a jurisdiction nine hundred years old. The permanent alteration of the composition of the upper house of parliament. A new church, four new courts of record, and a perpetual tax on the clergy of the realm.

**This is, by a very wide margin, the cheapest structural revolution in this collection when measured at the founding.**

The comparisons are not close. Norman England paid for a smaller transformation with the Harrying of the North. The German Peasants' War of 1525, six years before this study opens, killed something like a hundred thousand people in a single year and changed nothing structural whatever. The French conquest of Algeria is counted in the hundreds of thousands.

And the study has already explained the cheapness, which is why the finding is a conclusion rather than a curiosity. **Robe first**, so that force fell only on those who refused a law that already existed rather than on a population being subdued. **The oath**, which is retail, free, and shifts the entire burden of decision onto the subject. **Purchase**, which binds a man who believes nothing. **Pensions**, which convert the group with the strongest grievance into creditors of the body that wronged them. **Community policing**, which costs the crown nothing because the constable is a villager doing his turn.

Every one of those is a substitute for force, and together they are a machine for taking a quarter of a country without a war.

**An insider's revolution is cheap in blood precisely because it is expensive in law.**

## Ring two: the instalments, 1547–1603

And then the bill was paid, in instalments, for the rest of the century — and every instalment was charged at the time to something else.

**1549.** The commotion time: trouble in some twenty-five counties, at least twenty rebel camps. The Western Rising in Devon and Cornwall against the new Prayer Book, and Kett's rising in Norfolk against enclosure. Both were destroyed. At Dussindale on 27 August something like three thousand rebels were killed against two to three hundred and fifty of Warwick's men, and further executions followed; the Western campaign's total casualties are reported in the thousands. Both risings are downstream of this study's subject — one directly, over the liturgy, and one over the enclosure and rent pressure that Module 5 traced to the change of landlords. At the time the deaths were charged to Protector Somerset's mismanagement, and he fell for it.

**1555–1558.** Something in the region of two hundred and eighty to three hundred people were burned alive in England for heresy, including an archbishop, four bishops and fifty-odd women. Between a tenth and a quarter of the clergy were deprived for having married. Some eight hundred people left the country. At the time this was charged to the queen's temperament, and it is charged there still, in the name by which she is remembered.

**1569–1572.** The Northern Rising and its reprisals: several hundred executed, the Earl of Northumberland beheaded at York in 1572. Charged to two over-mighty earls.

**The recusant executions.** Under the Elizabethan treason legislation, and particularly the act of 1585 making it treason for a seminary priest to be in England, something in the region of a hundred and eighty to two hundred Catholics were executed, priests and laypeople who had sheltered them — Edmund Campion in 1581, Robert Southwell in 1595, Margaret Clitherow pressed to death at York in 1586. Charged to the Armada, the Bull of 1570 and Spanish plots.

**And the other direction.** Separatists executed in 1593 — Barrow, Greenwood, Penry. Charged to sedition.

**Total for the reversals in England: somewhere between about fifteen hundred and four thousand**, depending entirely on how the battle casualties of 1549 are counted, and every figure contested.

**The pattern is more important than the total.** Not one of these deaths was recorded at the time as an instalment on the transaction of 1534. Each had a proximate cause available and each was charged to it. That is not concealment; it is the ordinary operation of a naturalised order. By 1560 the settlement was simply the situation, and a death occurring within it belonged to whatever had immediately produced it — a bad Protector, a Spanish priest, a cruel queen.

## Ring three: the long consequence, and how to state it honestly

Module 10 laid out a chain, and the chain has to be repeated here because this is where its cost is counted.

Between 1529 and 1547 four structural conditions were created, deliberately, by a government solving a different problem, and none of the four could afterwards be undone by anybody. A population formed by a text the crown had published and could not recall, producing over the following century a large body of educated men with an interpretive claim and no institutional standing. A fracture line, because the settlement had answered the property question completely and the question of who interprets not at all. An assembly whose competence had been made unlimited, because the king's own acts had needed to be unchallengeable. And a crown that had sold two-thirds of the greatest windfall in English history and could not therefore govern without asking parliament for money.

The Wars of the Three Kingdoms ran from 1639 to 1653. The figures are contested at every point and are given here as reported rather than as established. One standard compilation puts England and Wales at roughly eighty-four thousand killed in the fighting and about a hundred thousand further deaths from disease — some hundred and eighty-four thousand in total, about 3.7 per cent of the population; and Scotland at roughly twenty-eight thousand in the fighting with about sixty thousand from disease, around 6 per cent. Other accounts give England up to two hundred thousand, or 4.5 per cent — a proportional loss comparable to the First World War. Ireland's losses, from fighting, famine and plague across 1641 to 1653, are variously put at between fifteen and forty per cent of the pre-1641 population.

**This study does not charge those deaths to Henry VIII, and the reader should be clear about what is and is not being claimed.**

Wars have their own causes and the 1640s had many that belong to the seventeenth century: Charles's personal rule, Laud, ship money, Strafford, Scotland, the Irish rising of 1641. What is claimed is narrower and defensible: **four of that war's load-bearing preconditions were laid between 1529 and 1547, by men who could not have seen**

**what they were for.** The chain is set out with its links named, and the sum is left where this study has left every other sum.

## The metabolic question: was the note called?

Now the framework's second column. Advanced coordination and intensive agriculture lift a population above the land's natural carrying capacity; disrupt the coordination badly enough and the debt comes due in famine and epidemic. Does it apply here?

**In England, no. And that absence is itself the finding.**

The dissolution changed the owner of the land. It did not touch the production of food. The harvest was brought in every year of the 1530s and every year after. The field systems continued, the manorial courts continued, the mills ground, the markets met, and in a great many places the same men farmed the same acres for a new landlord who wanted the rent. At no point in the operation was there an interregnum in agricultural coordination anywhere in England.

If anything the effect ran the other way. The economic-history literature credits the dissolution with creating a land market where almost none had existed — in a country where perhaps two-thirds of land was held by custom and most great estates were locked in entail — and with moving a very large acreage from corporate holders with no incentive to improve into private hands with every incentive. Recent quantitative work associates the parishes most affected by the dissolution with later commercialisation, enclosure, and the location of textile industry.

**A revolution that changes the owner without touching the plough does not call the metabolic note.** That belongs in the framework as a general rule, and it distinguishes this case sharply from conquests that displace populations, burn standing crops, break irrigation or remove the labour force.

Three qualifications, stated honestly rather than smuggled past.

**The debasement.** Module 6 established that the crown consumed the stock and financed the consumption through the mint. Prices rose across the century, English real earnings fell to levels not regained until the nineteenth, and the fall was a transfer of welfare away from the majority in a form nobody could petition against. That is not a metabolic collapse — nobody starved of it — but it is a sustained material loss, and it is downstream.

**The mid-Tudor mortality crisis.** Successive harvest failures from 1555 followed by a severe influenza epidemic killed a very large share of the English population in the later 1550s; figures of five to eight per cent are given and are disputed. The harvests failed because of weather and the influenza was pan-European; on any honest reading

this is not attributable. What can be said is that the population meeting it was one whose real earnings had been falling for a generation and whose institutional relief had been dismantled some sixty years before the state built a replacement. **An aggravating factor, not a cause.**

**The relief institutions.** The monastic hospitals, almshouses and doles went; the chantry, guild and fraternity endowments went with them in 1547, taking the schoolmaster and the almshouse along with the obit priest. Module 5 established that monastic almsgiving was a small share of monastic income and the point must not be overstated. But the *institutional* provision went in many places and was not replaced until the Elizabethan poor legislation of the 1590s.

## And then Ireland, where the note was called in full

The chain here is longer than the English one and must be handled with the same care.

The Tudor conquest of Ireland had causes independent of religion — dynastic, strategic, and the ordinary appetite of an expanding state. What the settlement did was change the *character* of the problem. Before 1534 Irish Catholicism was the same religion as English Catholicism and raised no question at all. After 1534, and decisively after 1559, Ireland's adherence to Rome made it a permanent security liability on England's western flank — a place a Catholic power could land — and the method the English state adopted in response was plantation, which requires the removal of the existing population from the land.

And so, in Munster between 1579 and 1583, the coordination was attacked deliberately, as a stated method rather than as a by-product.

Edmund Spenser, who was there as a colonial official and who wrote in 1596 to defend Lord Grey's conduct, described the policy without embarrassment: Munster was devastated by preventing its people from cultivating the land — kept, in his phrase, from manurance, and their cattle from running abroad — and the Irish starved. That is the metabolic note being called on purpose, described in print by a man arguing that it had been the right thing to do.

Sir Warham St Leger, provost marshal of Munster, estimated in April 1582 that thirty thousand people had died of famine in his province in the preceding six months, with hundreds dying in the city of Cork. Estimates of total Munster losses from war, famine and disease in the period run as high as a third of the province's population, and should be treated as reconstructions.

And Spenser described what he saw, in a passage that is the most exact statement in English of what this column of the accounting actually measures:

*Out of every corner of the woods and glynnes they came creeping forth upon their hands, for their legges could not beare them; they looked like anatomies of death, they spake like ghosts crying out of their graves …*

Afterwards came the famine in Ulster at the close of the Nine Years' War, and then the Cromwellian conquest of 1649–53, in which Irish demographic loss from fighting, famine and plague is variously put at between fifteen and forty per cent of the pre-1641 population.

**Which yields the sharpest finding in this module. The metabolic note was not called in England and was called in full in Ireland, and it was called by the same arrangement.**

England took a quarter of its own country without disrupting a single harvest, because the men doing the taking were inside the society being changed and had no interest whatever in breaking its productive base — they were buying it. The method applied to Ireland was the opposite in every particular, because Ireland was outside the settlement and its productive base was not an asset to be acquired but an obstacle to be removed.

**An insider's revolution spares its own metabolism and exports the bill.** Where a study finds a structural change with an implausibly low domestic cost, it should look immediately outside the borders for the place where the cost was actually paid.

## The forgetting, which is the last stage and not a failure

The framework says that if enough time passes, an arrangement settles into being simply the way the world is, and people forget that violence made it. This case completed that process faster than almost any other in the collection, and it is worth describing precisely what the forgetting consists of, because it is not what the word suggests.

It is not that the facts were lost. The facts have been in print continuously for four hundred years; the statutes are on the roll, the deeds are in the augmentations records, the letters are in twenty-one printed volumes. Nothing was concealed and nothing needed to be.

**What happened is that the facts stopped being about anything.**

The abbey lands became estates. The estates became the seats of families. The families became the aristocracy, and their houses became the objects of national affection: Woburn Abbey is the Duke of Bedford's; Newstead Abbey was Byron's; Titchfield, Welbeck, Lacock, Forde. The word itself changed its meaning. In ordinary modern English an *abbey* is a stately home or a picturesque ruin in a park, and the thing

the word originally named — a corporation of men or women living under a rule, holding land in perpetuity for the souls of the dead — has been so completely erased that the term was free to be repurposed and nobody notices the repurposing.

And the ruins became beautiful. Tintern, Fountains, Rievaulx, Whitby, Glastonbury: among the most visited and most photographed objects in Britain, protected by statute, painted by Turner, written about by Wordsworth, walked through by millions of people a year in a condition of settled aesthetic pleasure. Module 6 established what that condition is. Those buildings look like that because the lead was deliberately stripped from their roofs so that no community could ever return to them. **The picturesque is the residue of a policy.** A crime scene became a view.

There is no reproach in that, or none that this study is entitled to make. The order that Henry destroyed had itself been built — by a mission from Rome in 597 and a conquest from Normandy after 1066 — and by 1529 nobody in England experienced any of it as a thing that had been put there. The order that replaced it went through the identical process on roughly the same schedule, and by 1600 the Church of England was the furniture of reality for people who had never known anything else and who held it as authentically as their great-grandparents had held the mass.

**Both were built. Both became real. Neither is a lie. And the forgetting is not a failure of memory — it is the final stage of the process this entire study has been describing.**

## Reading the accounting against the framework

Five contributions.

**An insider's revolution is cheap in blood because it is expensive in law.** Three to four hundred deaths in England for the largest property transfer since the Conquest, the extinction of eight hundred corporations and the removal of a nine-hundred-year-old jurisdiction. Every mechanism this study has identified — robe before floor, the oath, purchase, pensions, community policing — is a substitute for force, and the sword count is what those substitutions bought.

**But such a revolution front-loads the cheapness and back-loads the cost, and the instalments get charged to something else.** A conquest pays its bill at the beginning, visibly, in one place, and everybody knows what the bill was for. This one paid almost nothing at the founding and then paid for a hundred and twenty years — 1549, 1555, 1569, the recusants, and finally the wars of the three kingdoms — with every instalment attributed at the time to its proximate cause. **Where a study finds a structural change with an implausibly low founding cost, it should extend the accounting period rather than congratulate the founder.**

**A change of owner that does not touch the plough does not call the metabolic note.** The diagnostic is not whether property changed hands but whether the coordination was disrupted: the field system, the labour, the seed, the mill, the market. England's changed owners and kept its harvests, and no metabolic debt fell due. This should be applied to other cases as a test rather than assumed either way.

**And an insider's revolution exports its metabolic bill.** England's carrying capacity was never threatened; Munster's was destroyed on purpose, by a method its architects described and defended in print. The reason is structural rather than moral: inside the settlement the productive base was an asset being acquired, and outside it the productive base was an obstacle to be removed. **Look outside the borders of a cheap revolution for the place where the note was called.**

**The forgetting is the completion of the process, not a lapse in it, and its measure is semantic drift.** The reliable index that an order has become the furniture of reality is not that its origins are unknown but that the words have moved: when *abbey* means a house in a park, the transaction is finished. That is a general test and it is cheap to apply.

Three disciplines to close.

The first is against triumphalism in either direction. The low English number does not make Henry mild; it makes the machinery efficient, and efficiency in this domain is not a virtue but a technique. The very high Irish number does not make him personally responsible for it; it makes the chain long, and a long chain is a thing to lay out rather than to collapse into an accusation.

The second is against false precision. Every figure in this module is contested and several are frank reconstructions. The founding total of three to four hundred is the firmest thing here, and even that depends on where the court executions are assigned. The civil war figures differ by tens of thousands between compilations. The Irish figures differ by a factor of nearly three. A range honestly given is worth more than a number confidently asserted, and the module has tried to prefer the range everywhere.

And the third is the gravity, which in an accounting module has to be done by naming rather than by summing, because a total is a way of not looking. Nine Carthusians chained upright in Newgate through the summer of 1537 until they died of it. Seventy-four men listed in Latin on a schedule, parish by parish — Thomas Tibbee, Robert Rowlandson, Edmund Playce, Hugh Dent, Lancelot Shaw — hanged in the towns where they had lived, in ropes because there was not iron enough for chains. Three hundred people burned alive between 1555 and 1558 for propositions about bread. And in Munster, in the winter of 1581 and the spring of 1582, between

twenty and seventy people a day, coming out of the woods on their hands because their legs would not carry them.

*A note on sources.* Quoted exactly from public-domain primary texts: Edmund Spenser, *A View of the Present State of Ireland* (written 1596), at the passage beginning *Out of every corner of the woods and glynnes* and running through *ghosts crying out of their graves*, and for his account of Munster being kept from manurance and the cattle from running abroad; and the Latin schedule of the seventy-four condemned at Carlisle in February 1537, from *Letters and Papers, Foreign and Domestic, Henry VIII*, vol. xii pt. 1, no. 498, with the standing caution about the calendar. Sir Warham St Leger's estimate of thirty thousand famine deaths in Munster in the six months to April 1582 is reported in the standard accounts from the state papers.

Paraphrased and credited to modern scholarship: the reconstruction of Henrician treason and heresy executions, following G. R. Elton and John Bellamy, with the caution stated in Module 1 that the figure of 72,000 originating with William Harrison is not defensible; the standard accounts of the risings of 1549 and their casualties; the counts of the Marian burnings and of the Elizabethan recusant executions; the casualty compilations for the Wars of the Three Kingdoms, principally the figures associated with Charles Carlton's work and reproduced in the standard reference accounts; the estimates of Irish demographic loss in the Cromwellian period; the economic-history literature on the dissolution's effects on the land market and on later commercialisation, including the recent quantitative work associating dissolution-affected parishes with textile industry and enclosure; and the accounts of the mid-Tudor mortality crisis of the later 1550s.

Contested figures are given as ranges throughout and several should be held very loosely indeed. The founding total of three to four hundred deaths in England, 1529–47, is this study's own aggregation of the component figures given in earlier modules and depends on decisions about whether court executions belong in the count. Rebel dead at Dussindale are reported from about three thousand upward. The Marian burnings are given between about 280 and 300. Elizabethan Catholic executions are usually given between about 180 and 200 and the classification of some cases is disputed. The Wars of the Three Kingdoms figures differ substantially between compilations, with England and Wales given between about 184,000 and 200,000 and Ireland between 15 and 40 per cent of population; none should be treated as established. Munster losses are reconstructions. English mid-Tudor mortality of 5–8 per cent is disputed both in magnitude and in attribution. **The attribution chain from the Henrician settlement to the wars of the 1640s is presented in this module as a chain with named links and is expressly not offered as a causal total;**

**readers should assess each link separately.** Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 12

# The Things He Could Not Take Back

*Convergence and divergence — this case set beside the collection, the one order in it that ran the same operation and controlled what this one lost, and the strongest counter-position in the series stated at full strength and answered*

## What this case was, in one sentence

An apex, already lawful, took a quarter of his own country from living owners who were his own subjects, by statute, without a war — and every durable thing the operation produced was something he handed out for an instrumental reason and could not afterwards recall.

That sentence is the study. The modules have established each clause of it, and this one sets it beside the rest of the collection to see what is peculiar to England and what is a property of the type.

## Convergence: the case this most resembles is not the one next to it

The obvious comparison is Norman England, and this study was built as the second half of that one. The bracket does close. William, having no source of title inside England, rented one from Rome and thereby lodged a second authority in the realm with its apex abroad; Henry abolished the lessor and appointed himself to the office. The Norman study's four settlement fictions — vacancy, recognition, divisibility, substitution — turned out to be conquerors' instruments, none available to a lawful king taking from living lawful subjects, which is what forced the discovery of the fifth. And the Norman finding that in England every title runs from the crown is the fact that made Henry's whole position both possible and constrained.

But the case that most resembles this one structurally is on the other side of the world and three centuries later, and the resemblance is close enough to be uncomfortable.

**Meiji Japan.**

Set the two side by side and the parallels are not analogies but the same mechanisms.

**Both are insider foundings in which nothing was destroyed.** The men who took Kyoto in January 1868 acquired a country whose productive apparatus was undamaged, whose population was already registered, whose villages already collected their own taxes. Henry acquired the same thing by not having to acquire it: he already

held it. Neither founding is a conquest, and in both the framework's usual first question — what was broken — has no answer.

**Both wore a robe of restoration.** The Meiji decree founded the new arrangement on the beginning of Jinmu's creation, reaching past every institution then standing; the very name of the event is *Restoration*. Henry's statutes say *is and ought to be*, *so hath been accepted in the world*, *divers sundry old authentic histories and chronicles*. Module 3 proposed that an insider's robe is in the wrong tense — that it claims nothing new has happened. Meiji confirms it independently, in a different civilisation, with no possible borrowing.

**Both dispossessed an entire hereditary estate by law and paid it off in paper.** In August 1876 the Japanese government abolished the remaining hereditary stipends of the warrior class and issued in their place something like 174 million yen of bonds to between 313,000 and 340,000 recipients, graded by size, at interest rates from ten per cent down to five. Henry dissolved eight hundred corporations and pensioned nine to twelve thousand religious out of the Court of Augmentations. Module 8 found that a pension converts the dispossessed into a creditor of the body that dispossessed him. Japan did the same thing at forty times the scale and with an explicit bond issue.

**And both converted the compensation into the capital base of a new property-holding class — which is the convergence that matters most.** The Japanese stipend bonds were made eligible as the capital of a national bank, and the number of banks founded went vertical; the compensation paid to the samurai for the extinction of their hereditary income became the capital base of Japanese banking. In England the land was sold at twenty years' purchase to several thousand gentry families, and Module 2 found that the purchase, not the grant, is what bound them, because a man who has paid does not owe gratitude — he owes the statute book.

Two orders, three centuries apart, both dissolved a hereditary estate from the apex, both paid it out in transferable paper, and both discovered that the paper was the mechanism by which a new class acquired a stake in the permanence of the new arrangement. **That is the same finding arrived at twice by governments that had never heard of each other, and it should go into the framework as a property of the type rather than as an English curiosity.**

**And the cheapness converges too.** Module 11 found that the English founding cost three to four hundred lives for the largest property transfer since 1066. The Meiji founding was likewise remarkably cheap at the point of transfer — and both paid later, England in 1549 and 1555 and 1569 and finally in the 1640s, Japan at Satsuma in 1877, where ninety thousand men were committed over seven months and casualties

exceeded thirty thousand. **An insider's revolution front-loads cheapness and back-loads cost in both cases.**

Two other comparisons are worth a sentence each. **Brandenburg-Prussia** shows an apex disciplining his own nobility by trade rather than by force — the Junkers conceding a standing army in exchange for confirmed authority over their peasants — which is the same instrument as Henry's, a bargain inside the hierarchy that produces a default, and it produced an order far more durable than its resources warranted. And **British Kenya** is the photographic negative of Module 4: a coloniser who *withheld* formation because forming the conquered would have meant admitting them, and found that the field he refused to occupy was held by the formation already running. Henry did the opposite and got the opposite failure.

## Divergence: the one thing Meiji did that Henry did not

And here the two cases part, on a single variable, and the variable explains almost everything that followed in both countries.

**Meiji Japan controlled formation. Henry lost it.**

The Restoration government revived the Council of Divinities as an organ of state, created an office of missionaries inside it, and put the emperor's name to a rescript proclaiming the unity of rite and rule. It went on to build a national school system, a conscript army that took every young man and taught him, and eventually a rescript on education recited in every classroom in the empire. It captured the formation apparatus and then *built more of it*, and it retained the interpretive monopoly throughout: there was no equivalent of the chained English Bible, no moment at which the founding text of the new authority was placed in the parish and left open for anyone to check.

Henry captured a formation apparatus more complete than anything in Europe — nine or ten thousand parishes, compulsory weekly attendance, a trained speaker in each, the entire population assembled simultaneously — and then, for reasons that were entirely rational given his problem, published the source.

Module 4 traced the mechanism. He needed to prove the papal authority a usurpation; proving it required arguing from a text; arguing from a text in a realm you are trying to persuade means publishing the text; and once the Great Bible stood chained in every parish church, the cue that had certified the interpreter — *he can read the book and you cannot* — was decoupled from the thing it certified. He had installed an audit function on his own church and chained it to the lectern so it could not be removed. Five years later he tried to withdraw it by statute and could not. Thirteen months before his death he stood in front of parliament and asked his subjects to read scripture and draw no conclusions from it.

Set the two outcomes beside each other.

Japan, having kept the interpretive monopoly, got a controlled and directed transformation that ran for seventy years without a fracture at the centre, and paid its later bill in a different currency altogether.

England, having lost it, got a counter-formation the crown had not built and could not enter, and within a century a civil war fought along precisely the seam the settlement had left open.

**That is the divergence, and it is the study's central practical finding: the difference between an insider revolution that holds and one that fractures is not the floor, not the settlement, and not the robe. It is whether the interpretive monopoly survived the capture.**

## What this case contributes, gathered

The additions and refinements are set out in each module's closing section. Assembled, they are these.

**On sequence.** Floor-then-robe is the outsider's order; robe-then-floor is the insider's. A conqueror needs no lawfulness until his grants must be heritable; an apex is nothing but his lawfulness and must legislate before he takes. Which order you observe tells you where the man was standing when he began.

**On the settlement.** A fifth fiction: *surrender* — manufacture the grounds, then have the holder convey. Available only to a sovereign already lawful over the person he takes from, because only he can make refusal criminal. Its tells: a signed instrument from the dispossessed, a statute declaring the absence of compulsion, and an exception clause naming the route used against those who refused. And a general rule about legal instruments: **nobody legislates the voluntariness of a genuine gift.**

**On conversion.** A third kind, beside relations-into-things and subsistence-into-wage: a *trust into an asset*. And its consequence — that such a settlement cannot be completed without destroying the belief that created the endowment, which is why this alone among the collection's settlements required an attack on doctrine.

**On consideration.** A third family beside armed service and political compliance: *purchase*. It creates loyalty to the statute book rather than to the ruler, which is why it survives him.

**On the robe.** An insider's is written in the wrong tense. It claims nothing has happened. And the labour spent establishing continuity measures the discontinuity — the same relation the settlement showed between elaboration and constraint. Also: a robe is an asset, spendable on purposes its makers never contemplated; and it needs to be citable, not true.

**On formation.** A captured apparatus is not a controlled one; the value is in the interpretive monopoly, not the institution's obedience. **You can own the whole machine and lose the output if you publish the source.** And teaching a population that a sacred authority was a fraud teaches a general lesson, not a particular one.

**On the cost column.** Where the ruler has no coercive apparatus of his own, the cost column and the formation column are one column, because the constable, the juror and the churchwarden are the formed community. Force is not at the margin; it is not a separate thing at all — and when belief goes the price collapses to zero at once, everywhere, with no reserve. Look for martial law, not surveillance. And exit is closed by uniformity, not walls: the instrument is returnability.

**On extraction.** Stock tends toward elimination, and the physical signature is the destroyed plant — the lead off the roof, so nobody can return. Flow and stock ran side by side here from the same institution and behaved differently, which is as near a controlled test as history offers. And a windfall becomes permanent revenue only if an institution exists to prevent its being spent; the default is that none does.

**On information.** With no distance, the seam runs vertically and the suppressible object changes: not the event but the account, the record and the past. An order that legitimates by restoration must police history rather than news. The insider's unclosable aperture is the resident foreign observer. And archive survival is a function of the archivist's fate, not the regime's openness — which is a warning about this collection's own evidence base.

**On the default.** It is tested by enemies, not allies. By-product gains bind harder than intended rewards. And a successful default does not merely make an order cheap to run; it raises the price of the elite fracture that is the only route by which the order could be overturned.

**On liberty.** The apex enlarges the instrument he uses and cannot control what it becomes. A grant of power that itemises its exceptions has written a schedule of rights. Petition hardens into claim across generations. And a liberty becomes durable at the moment it is converted into somebody's default — which is why the losses of this decade were repealed within a year of the king's death and the gains lasted three centuries.

**On change.** A partial fracture is not a door; it is an army with a brake on it. The concession goes to the class that led, not the class that started. And a failed rising against a functioning state produces more state.

**On the accounting.** An insider's revolution is cheap in blood because it is expensive in law, front-loads that cheapness and back-loads the cost, spares its own metabolism

and exports the bill. And the forgetting is completed, not failed, and its index is semantic drift.

## The counter-position, stated at full strength

Now the argument against everything above, and this study is instructed to state it fully and answer it without flinching. It is the strongest counter-position in the collection and the statement should be made without hedging, because a weakened version would be a cheat.

**It runs like this.**

Whatever the arithmetic of the founding, look at what came out of it.

**An English Bible.** The Great Bible of 1539, and behind it Tyndale, and out of both the Authorised Version of 1611 — a book which, with the Book of Common Prayer, did more to shape the English language than any other cause. Every English speaker alive uses phrases from it daily without knowing their source. That is not a side effect of a property grab; it is one of the two or three greatest cultural achievements of any European nation.

**A national church** that, whatever its origins, gave England something the continent conspicuously lacked: a settlement that eventually accommodated a genuine range of belief inside one establishment, and that spared England the wars of religion that killed a third of Germany.

**Parliamentary sovereignty.** The doctrine that the king-in-parliament can do anything — stated by the king himself in 1542, exercised through eighteen years of unprecedented statutes, and never afterwards argued down. Out of it comes the Petition of Right, the Bill of Rights of 1689, the settlement that made the British constitution, and from there the constitutional vocabulary of the United States, India, Canada, Australia, and a very large part of the world. More people live today under institutions descended from the Westminster model than under any other single constitutional lineage on earth, and the moment at which that parliament acquired unlimited competence is the Reformation Parliament.

**And the residue this study itself documented:** the Statute of Wills, which gave English landowners a right that lasted to 1837 and is the ancestor of the modern law of succession; the privilege of freedom from arrest, established by the Commons on their own authority and still in force; a land market where there had been almost none, which the economic historians associate with the commercialisation of English agriculture and, downstream, with the location of the first industrial revolution.

**So**, the counter-position concludes, the accounting in Module 11 is a piece of moral bookkeeping that has counted the debits and left the credits off the page. Three or four

hundred deaths at the founding — fewer than a single day at any battle of the century — purchased a language, a church, a constitution and a legal tradition that the rest of the world afterwards borrowed. If that is not a defensible transaction, no transaction in history is.

**That is the case, and it is a serious one, and this study does not think it can be dismissed.**

## The answer

It can be answered, but only by separating three propositions that the counter-position runs together, and the separation is the whole of the reply.

*First: the achievements are real, and this study credits them without qualification*

There is no version of the answer that involves denying them, and any account that tried would be a worse falsification than the counter-position.

The Authorised Version and the Prayer Book are what the counter-position says they are. Parliamentary sovereignty is real, is descended from these events, and is the ancestor of most of the world's legislatures. The Statute of Wills and the Ferrers privilege are documented residue and this study documented them. The land market is real and its economic consequences are the subject of serious quantitative work.

And this study has held from its first page that a built thing which becomes real is more genuine than any lie — that the English church of 1600 was as authentically the world of the people inside it as the Roman church of 1500 had been to their great-grandparents. That discipline applies here too. **A good that arrived by accident is still a good, and a man in Delhi or Ottawa or Canberra whose rights rest on a Westminster inheritance is not the beneficiary of an illusion.**

*Second: not one of those achievements was intended, and several are the residue of failures*

This is where the counter-position moves illegitimately, and the move is easy to miss because it is grammatical rather than factual.

It states a set of *consequences* and offers them as a justification of an *intention*. But there was no such intention, anywhere in the record, at any point.

The English Bible was not a gift to the English language. It was an instrument in a jurisdictional quarrel: the supremacy had to be provable, proof required a text, and a text used as proof in a realm being persuaded has to be published. The government that chained it in every parish tried to withdraw it from most of the population within five

years, and the king spent his last speech to parliament complaining that people were arguing about it in taverns. **The greatest monument of English prose exists because a legal argument required a citation and the citation got out.**

Parliamentary sovereignty was not a constitutional principle anybody was building. Module 9 traced it: Henry needed his own acts to be unchallengeable — the marriage, the succession, the doctrine, the land — and only an omnicompetent parliament could put them beyond challenge, so he spent eighteen years demonstrating that there was nothing parliament could not do, and said so himself when it suited him in a dispute about a member arrested for debt. **The doctrine that made the modern constitutional world was manufactured to make one man's property transfers irreversible.**

The Statute of Wills was a peace offering to a class the crown had just finished hanging and could not afford to keep at odds with. The Ferrers privilege was a cheap way of making an instrument more formidable.

And the national church that spared England the continental wars of religion did not spare England anything of the kind. It produced three hundred burnings under Mary, two hundred executions of Catholics under Elizabeth, a rising in 1569, and a civil war in the 1640s that killed a share of the English population comparable to the First World War and a far larger share of the Scottish and Irish. **The claim that England avoided the wars of religion is only sustainable if the wars of the three kingdoms are filed under something else — which, as Module 11 found, is exactly what happened to every instalment of this bill.**

So the honest formulation is not that the achievements are false. It is that **they were by-products, several of them by-products of things that went wrong, and that a defence of an act by reference to consequences its author neither sought nor foresaw is not a defence of the act.** It is a description of luck.

*Third: the goods and the costs went to different people*

And this is the part the counter-position cannot absorb at all, because it is not an argument about value but about distribution — and it is the finding this study has made in every single module.

Run the list.

The right to devise land by will went to landowners. The privilege of freedom from arrest went to members of parliament. The English Bible went, in law from 1543, to noblemen, gentlemen, richer merchants and gentlewomen reading privately — and was withdrawn by statute from women below gentle rank, artificers, apprentices, journeymen, serving men, husbandmen and labourers. The land went to several

thousand families at twenty years' purchase. The permanent majority in the House of Lords went to the temporal peers. The offices, fees and jurisdictions went to lawyers.

Now run the other list.

The holy days converted into working days went from everybody. The customary landlord replaced by a purchaser raising entry fines went from copyholders. The value of the coin went from wage-earners, by a debasement that financed the spending of the stock. The nine Carthusians who starved in Newgate. The seventy-four men on Norfolk's Latin schedule, hanged in the towns where they had lived, in ropes because the iron ran out. Three hundred burned between 1555 and 1558. The cropped ear of the sturdy vagabond, under a statute of the same parliament that established the liberty of the meanest member of the House. And Munster in the winter of 1581, twenty to seventy a day, coming out of the woods on their hands.

**Every durable good this operation produced accrued to a group positioned to make the apex want its cooperation. Every cost fell on somebody who was not.** That is not a moral complaint appended to the analysis; it is the analysis. Module 9 stated it as a law and this is where it comes due: liberties accumulate first and fastest for whichever group is best placed to make a ruler need them, and the corollary is that they do not accumulate at all for the group that cannot.

*And the last move, which is the one the counter-position most needs*

The counter-position rests, finally, on a counterfactual it cannot run. Nobody knows what England looks like in 1700 without the break — whether a Catholic England would have had a weaker parliament or a stronger one, an earlier vernacular Bible or none, a civil war or a different one. The Protestant Netherlands and Catholic France both produced formidable states; the Dutch Republic produced a commercial civilisation without an English-style parliament; the constitutional traditions of Europe do not sort cleanly by confession.

**And a counterfactual that cannot be run cuts both ways.** It means the costs cannot be shown to have been necessary, and it equally means the goods cannot be firmly claimed. The counter-position wants the benefit of an unrunnable comparison in one direction only.

## What the counter-position actually is

There is one more thing to say about it, and it is the reason this study has taken it so seriously rather than dismissing it.

The framework's own account of change holds that an order which has widened its circle has two ways of narrating the widening. It can tell the newly admitted the truth

— that they were let in when a fractured or frightened elite found it cheaper to deal them in than to keep them out. Or it can tell them the flattering version — that they rose, that they won, that they earned it. The second is enormously more stabilising, because a man who believes he won his place will defend the order he thinks he wrested it from.

**The counter-position is that story, told at the scale of a nation and across four centuries.** It says: this is what *we* achieved. It converts a residue into a triumph, an accident into an intention, and a set of by-products collected by people positioned to collect them into a national inheritance shared by everybody. And it is believed, sincerely, by people who have never examined it — which is exactly what the framework predicts a load-bearing belief looks like.

Seeing through it is not a reason for contempt and does not diminish the goods. It changes what they are evidence of. The English constitutional tradition is not evidence that Henry VIII was right, or that the transaction was worth it, or that anybody planned anything. **It is evidence that instruments handed out for instrumental reasons cannot be recalled, and that this is the single most reliable way in which the world gets better against the intentions of the people running it.**

That is a smaller claim than the counter-position wants and a larger one than the cynical reading allows. It is also, on the evidence assembled in these twelve modules, what the record supports.

## The close

Henry Tudor wanted a son and a jurisdiction. He got neither in the form he wanted: the son died at fifteen, and the jurisdiction turned in his hands into something he spent his last years trying to restrain.

What he actually did was hand out four things for instrumental reasons and discover that none of them could be taken back. He handed parliament unlimited competence, because his own acts had to be unchallengeable. He handed the political nation a text, because his claim had to be provable. He handed several thousand families deeds, because he needed the money now. And he handed his successors a supremacy annexed to the crown as heritable property, because he needed it to descend.

Each was a solution to a problem in front of him. Together they are the constitution of the English-speaking world.

**A ruler who uses an institution to make his own acts irreversible has, in the same motion, made that institution irreversible. A ruler who publishes the source in order to win an argument has ended his monopoly on the argument. And a ruler who sells what he has seized has bought a class of defenders and lost the**

**money — which turns out to be the better trade, and which he did not know he was making.**

The ruins stand in the parks. The word *abbey* means a house. The Bible he chained to the lectern is read in a language he would recognise, and the parliament he made omnicompetent is still sitting, and the families who bought the land are still there, and almost nobody who benefits from any of it could say within a century when it happened or name one of the seventy-four.

That is what the framework means by an order that has become the way the world is. It is not a failure of memory. It is the last thing that happens, and it happens to every order that lasts, and it will happen to ours.

*A note on sources.* This module quotes no primary material not already quoted and sourced in the eleven modules preceding it, and every quotation, date and figure referred to here — the statutes and their preambles, the *Letters and Papers* correspondence, the Ferrers case, the Act of Proclamations and its proviso, the Act for the Advancement of True Religion, Spenser's account of Munster, and the executions and casualty figures — carries the attribution and the caution given where it first appeared.

Paraphrased and credited to modern scholarship: for the Meiji comparison, the fiscal and settlement material rests on the companion study in this collection and behind it on Ōmori Tōru's study of early Meiji fiscal restructuring for the Bank of Japan's Institute for Monetary and Economic Studies, together with the National Archives of Japan chronology, for the stipend commutation of August 1876, the bond issue of some 174 million yen to between 313,000 and 340,000 recipients, the interest grading, and the eligibility of the bonds as national bank capital; the Satsuma campaign figures are from the standard chronology as reported in that study. The Brandenburg-Prussia and British Kenya comparisons rest on the companion studies in this collection. The claim about the economic consequences of the English land market follows the quantitative literature cited in Module 6. The framework's account of change, and the analysis of the dignifying myth on which the final section of this module draws directly, are from *Elite Chaos*.

Contested points are flagged. **The attribution of English constitutional development to the Henrician settlement is a chain of the kind set out in Modules 10 and 11 and is not offered as a causal total**; the counterfactual — what England's constitutional history would have looked like without the break — cannot be run, and this module says so in terms rather than resting on it. The proposition that England avoided continental-style wars of religion is disputed in this module and readers should weigh the wars of the three kingdoms against it themselves. The comparison with Meiji

Japan is structural and is offered as convergence of mechanism, not of scale, circumstance or consequence; the two cases differ in almost every particular except the ones named. Every load-bearing fact in this study is to be re-verified against a primary or standard source before it is built upon.